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MONTANA EPA AGREEMENT

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This is the draft Montana/Environmental Protection Agency Cooperative Agreement with Enforcement Agreements for FY 87. This Agreement addresses environmental programs for the State of Montana.

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MONTANA/ENVIRONMENTAL PROTECTION AGENCY

COOPERATIVE AGREEMENT

Agreement on the Management and Administration

of Montana's Environmental Programs

July 1986 - June 1987

Approved:

The undersigned hereby execute this Cooperative Agreement on the Management and Administration of Montana's Fiscal Year 1987 Water Pollution Control, Safe Drinking Water, Underground Injection Control, Air Quality, Solid and Hazardous Waste, Superfund, Pesticides and Toxics programs. The enforcement agreements have been included as an integral component of this Cooperative Agreement.

STATE OF MONTANA

Ted Schwinden
Governor, State of Montana

Date

John J. Drynan, M.D., Director
Department of Health and
Environmental Sciences

Date

Keith C. Kelly, Director
Department of Agriculture

Date

ENVIRONMENTAL PROTECTION AGENCY

John G. Welles
Regional Administrator

Date

John F. Wardell, Director
Montana Office

Date

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EXECUTIVE SUMMARY

INTRODUCTION

The goal of Montana's environmental health programs is to protect public health while sustaining a spirit of cooperation between environmental protection and resource development. Accomplishing this requires close coordination between the Departments of Health and Environmental Sciences (DHES) and Agriculture (DOA) for the state, and the federal government's Environmental Protection Agency (EPA).

Through agreements, research, monitoring, technical expertise and other areas of cooperation, the DHES, DOA and EPA are helping Montanans maintain a quality lifestyle. The Montana/EPA Agreement (MEA) contributes to this process by consolidating all narratives, work plans and enforcement agreements into one document, thus producing a concise document, and reducing paperwork and duplication of effort.

The MEA programs are comprised of DOA's pesticide program, DHES's air, water and solid and hazardous waste programs, and EPA's toxics and underground injection control programs.

The elements of the MEA include: (1) An overview of the state's environment, (2) identification of priority objectives, (3) strategies to accomplish priorities, (4) detailed work plans, activities and commitments and (5) cooperative enforcement agreements.

To better understand the programs, and what they plan to accomplish, each major area of environmental concern has a narrative discussion of its programs, followed by media work plans defining the proposed work.

HIGHEST PRIORITY OBJECTIVES

The state and EPA Montana Office reviewed the environmental programs and established the following highest priority objectives. Although these priority objectives have been singled out as primary goals for the coming fiscal year, the individual programs have a wide range of important goals and accomplishments that also must be addressed from July 1986 to June 1987.

--Continue the Lower Clark Fork River Monitoring

Several major facilities will require Montana Pollution Discharge Elimination System (MPDES) permit issuance decisions from July 1986 to June 1987. The State Water Quality Bureau has initiated an in-depth sampling effort to determine the "environmental" condition of the Clark Fork. Results of this sampling will be used to understand contamination problems in the river and establish MPDES discharge limits at these major facilities.

--Issue Resource Conservation and Recovery Act (RCRA) Land Disposal Permits

The State of Montana was delegated the RCRA program in July 1984. EPA and the state share responsibility to implement the permitting program for hazardous waste storage, treatment and disposal facilities. By November 1988, land disposal permits must be issued. The four below-listed facilities require land disposal permits.

Exxon
Conoco
Cenex
Burlington Northern (Paradise)

The November 1984 RCRA amendments required preparation of (Facility Management Plans) FMPs at certain types of hazardous waste storage, treatment and disposal facilities. FMPs will be implemented at the following Montana facilities:

Exxon
Conoco Refinery and Landfarm (2)
Burlington Northern (BN) Somers
BN Paradise
Cenex
Transbas
Montana Refining

--Complete Scheduled Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Superfund Remedial Action Activities

The sites listed below will receive funding to complete specific actions. Because of the high priority within EPA, and the level of public interest in seeing EPA achieve schedule requirements, these efforts must be intensively managed.

Anaconda Remedial Investigation/Feasibility Study
Silver Bow Creek Remedial Investigation/Feasibility Study
Milltown Feasibility Study/Remedial Design

East Helena
Libby Groundwater
Burlington Northern, Somers

--Complete "Asbestos in Schools" Activities

EPA will inspect school districts to determine if children are potentially being exposed to friable asbestos. If friable asbestos is observed during an inspection, the school district must notify the parents.

--Continue Progress Toward Nutrient Removal in Flathead Basin Municipal Discharges

The State Water Quality Bureau is initiating efforts to reduce the amount of phosphorus flowing into Flathead Lake. The Water Quality Bureau (WQB) is requiring tertiary treatment to remove phosphorus. County governments may limit the sales of phosphorus-containing detergents. Flathead Lake is a major contributor to the tourist trade in northwestern Montana. Elevated phosphorus levels in Flathead Lake cause algae blooms, making the lake less attractive as a tourist attraction.

--Insure Coordination Between State and Federal Multi-Media Program Tasks and Projects

Environmental protection efforts require closer coordination between programs administered by the state (to include community participation) and EPA, and between other federal and state government agencies. In the past, this coordination has been limited. This priority objective is aimed at gaining the highest level of coordination possible.

--Continue Progress in the Public Water Supply Program

The state public water supply effort has achieved noteworthy success at insuring that Montanans have access to clean water. To build upon this success, the state will continue to address issues that require attention.

--Emphasis on Pesticides Enforcement and Certification

Enforcement:

1) Pesticide cancellation compliance inspection.

2) Drift from pesticide application.

3) Wood preservative inspection and certification.

4) Disposal of pesticides and pesticide containers.

5) Enforcement and monitoring of pesticide misuse that could result in pesticide contamination of ground water.

6) Pesticide use associated with a major spray program.

7) Worker exposure to pesticides before, during and after application.

Certification:

1) Monitor the revised Commercial Applicator Training (CAT) and Private Applicator Training (PAT) programs.

2) Implement the wood preservative certified applicator category through training, examination and certification.

--National Municipal Compliance Policy

The national policy calls for all municipal wastewater treatment facilities to meet national secondary treatment standards by July 1, 1988.

--Other:

Provide necessary state match (CERCLA (104(c)(3)) to Federal "Fund" monies available for clean-up operations and associated O&M from state Resource Indemnity Trust (RIT) funds.

Water

Water Quality Management Program

The State of Montana again refined its list of priority water bodies in Fiscal Year (FY) 1986. The state drew heavily on Montana data gathered in 1985 for the national Nonpoint Source Assessment coordinated by the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). It also used a rigorous statistical evaluation of post-1983 data on STORET. One hundred and seven Montana streams or stream segments totaling 4,662 miles of man-caused water quality problems and 12 lakes with nearly 34,000 acres where uses are impaired by nonpoint sources of pollution were identified in this manner.

Montana's most serious surface water quality contaminants are 1) sediment/turbidity, 2) salinity/dissolved solids, 3) heavy metals and 4) algal nutrients. Nonpoint sources account for 95 percent of the documented water quality problems in Montana, municipal sources for 3 percent and industrial sources for only 2 percent. Through monitoring, intensive surveys and special studies, an effort will be made in FY 1987 to verify and better characterize water quality problems.

Flathead Lake and the Clark Fork River will continue to be priority water bodies for monitoring and water quality protection in FY 1987. Flathead Lake became a priority in 1983 when a lake-wide algae bloom indicated accelerated eutrophication (nutrient enrichment) was taking place. Monitoring will help measure the effectiveness of a phosphorus control strategy implemented by the state in 1984.

The Clark Fork became a priority in April 1984, when the state issued a modified discharge permit to the Champion International (now Stone Container Corporation) paper mill near Missoula. The modified permit allowed the mill to increase its load of wastes to the river and discharge year-round. Monitoring results will enable the state to assess water quality impacts from the paper mill discharge, municipal discharges and non-point sources along the river. Continued monitoring on the upper Clark Fork River, some of it in place for more than 10 years, will help evaluate the water quality effects if mining resumes in Butte and reclamation efforts under CERCLA (Superfund) and the Abandoned Mine Program.

Principal non-point source assessment and control efforts in FY 1987 will include: 1) assist conservation districts in planning and implementing special water quality improvement projects on priority water bodies; 2) monitor the implementation of United States Forest Service (USFS) Forest Plans and Bureau of Land Management (BLM) Resource Management Plans; 3) work with the Department of State Lands (DSL) Hardrock Bureau to monitor compliance of operating mines with water quality standards, and 4) participate in an assessment of water quality impacts from the proposed Cabin Creek coal mine in British Columbia under the auspices of the Flathead River International Study Board, International Joint Commission.

Wastewater Discharge Permit Program

Montana's Wastewater Surface Discharge Permit Program began in 1968. With passage of PL 92-500 (Water Pollution Control Amendments of 1972), a federal wastewater discharge permit program was also created. In 1974 Montana applied for and received authority from EPA to administer this program, thus minimizing a duplication of effort.

Tables #1 and #2 list the various categories of major and minor industrial wastewater discharges. Table #3 lists the number of facilities that presently have general wastewater discharge permits.

Table #4 lists the municipal discharges. Twenty-four of Montana's 26 major municipalities have treatment facilities capable of meeting secondary effluent limitations. Those that do not are Lewistown and Wolf Point. Major and minor wastewater treatment facilities are tracked for compliance. The municiple compliance strategy document is updated periodically by the state permits and construction grants sections.

Many of the communities meeting secondary discharge limitations still have treatment facility needs. Kalispell, Whitefish, Columbia Falls and Bigfork are working toward meeting limitations for total phosphorus. The phosphorus limitations were imposed to help slow the eutrophication process in Flathead Lake. Phosphorus removal should begin at these facilities in FY 1987 or FY 1988. National Secondary Standards now include the provision for relaxed bio-chemical oxygen demand (BOD) and total suspended solids (TSS) limits for certain lagoon and trickling filter facilities where water quality standards would not be affected by allowing the relaxed limits. This may allow some of the smaller communities to meet effluent limitations with a minimum amount of capital improvements. Some communities are still working toward meeting fecal coliform and/or chlorine limits.

Table 1. Major Industrial Wastewater Discharge Permittees

Category	Total No.
Sugar Refining	2
Coal Mines	3
Smelter	2
Plywood Mills	2
Oil Refineries	5
Paper Mills	1
Generating Plants	2
Ore Mining	1
Railroads	1
Totals	19

Table 2. Minor Industrial Wastewater Permittees

Category	Total Number
Oil Wells	17
Mines	115
Smelters	1
Railroads	4
Lumber & Plywood Mills	1
Sand & Gravel	5
Slaughter Plants	1
Cement Plants	2
Chemical Plants	4
Generating Plants	1
Industrial Sewage Treatment Plants	7
Miscellaneous	8
Totals	166

Table 3. General Permit Summary

General Permit Category	Effective Date of General Permit	Authorizations Issued Total	Currently Active
Suction Dredge*	6/3/83	69	66
Fish Farm	11/19/84	9	9
Construction Dewatering	7/14/83	59	10
Sewage Lagoon	6/14/83	19	19
Feed Lot	7/1/84	44 (large)	44 (large)
		43 (small)	43 (small)
Totals		243	191

*Considered by EPA to be issued under 404 rather than 402 authority.

Table 4. Municipal Wastewater Discharges with Individual Montana Pollution Discharge Elimination System (MPDES) Permits

	Major	Minor
Wastewater Treatment Facilities Municipal, State & Federal	26	68
Municipal Water Treatment Facilities/ Wastewater Disposal	--	11
Totals	26	79

Specific priorities for FY 1987 include:

- Issue, reissue or modify major permits ensuring that water quality standards are met; toxic criteria limitations and pretreatment requirements are imposed and residual waates handled appropriately (input from Solid and Hazardous Waste Bureau (SHWB) to be provided), and appropriate effluent limitations and self-monitoring are provided.
- Reduce backlog of 21 minor permits.
- Pursue general permit issuance for such categories as water from oil wells and pump test discharges.
- Process 3(a) authorizations and Water Quality Standards (401) certifications.
- Provide timely complaint response and follow-up.
- Provide compliance monitoring annually for all major permittees, completing form EPA-3560-3 for each.
- Compliance monitor minor dischargers where self-monitoring data is suspect.
- Continue the quality assurance (QA) program to assure accurate self-monitoring data for the MPDES program.
- Pursue a vigorous compliance inspection program on mining activities during the summer months when activity is at its peak and gather information concerning impacts on water quality.
- Provide appropriate enforcement and report to EPA, giving priority to major dischargers and federally-funded minor municipalities.
- Provide timely review and appropriate notification on self-monitoring information.
- Finalize the revised National Pollution Discharge Elimination System (NPDES) delegation agreement.

Groundwater Pollution Control Program

State groundwater regulations, called the Montana Groundwater Pollution Control System (MGWPCS), were promulgated by the Board of Health on October 29, 1982.

The MGWPCS program primarily addresses the protection of shallow groundwater aquifers from potential pollution sources, such as surface impoundments, waste piles, landfills, disposal systems and spills of various contaminants. Any of these potential pollution sources (except spills) which are not reviewed and approved, or required to obtain an operating permit under other regulations, are required to apply for and obtain a groundwater pollution control permit as outlined under MGWPCS. The WQB permits section reviews these applications and follows through the administrative procedures of issuing and managing the permits, including compliance monitoring, review of self monitoring, etc.

For similar sources that are reviewed and approved and/or permitted under other regulations, the MGWPCS rules do not require additional permitting; compliance is required with the state's groundwater quality standards as outlined under MGWPCS. Compliance with the standards is then addressed within the other agency approval or permit. Examples of these joint reviews are Major Facility Siting Act (MFSA) projects under the

jurisdiction of the Department of Natural Resources and Conservation (DNRC), mining and milling operating permits, administered by the DSL, subdivision and other public or private waste treatment systems approved by the DHES and landfills and other solid waste disposal aites licensed by the DHES.

In the last few years, groundwater contamination by petroleum fuels has evolved into the WQB's number one problem in groundwater pollution control. It has required more staff time than any other aspect of the groundwater pollution control program. Recent federal and state legislation and regulations provide authority to the DHES for the development of an underground storage tank (UST) program. The SHWB will do the registration and tracking, and the WQB the subsurface investigations if leaks or spills occur. The SHWB will provide funding through the UST program for a FTE position in the WQB groundwater pollution control program. This position will be responsible for investigation and follow-up of spills and leaks revealed through the UST program.

This additional support will enable the existing WQB groundwater program personnel to spend more time on some of the other groundwater program aspects.

Other portions of the program which require significant resources are: review and processing of permit applications under MGWPCS (more than 30 have been done to date) compliance tracking and inspection of existing permittees, joint review of applications for permits or approvals under other regulations (about 25 have been done to date), and numerous complaint investigations involving potential groundwater pollution. The WQB will try to provide the resources to work with the Montana Bureau of Mines and Geology (MBMG) to use data from the Groundwater Information Center to the fullest extent possible.

Priorities for FY 1987 include review and issuance of permits under the MGWPCS program and maintenance of groundwater complaint investigations. The staff will attempt to review the current status of existing MGWPCS permits and develop a better system for tracking and compiling data from compliance inspections and complaint investigations. The WQB is also planning to cooperate in providing a person half-time for liaison with the DSL. This should improve coordination in reviewing the water quality aspects of mining activities.

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	
	Date of Completion						
WATER POLLUTION CONTROL							
I. Administration			2.08	.12			
A. Provide general program direction and supervision and development of staffing and budget needs.							WQB
B. Administrative support.							WQB
C. General policy guidance and periodic review of program outputs.							WQB, EPA
II. Wastewater Discharge Permit Program			5.22	1.06			
A. Issue, reissue, or modify within 6 months of application or expiration date major permits ensuring that water quality standards are met, toxic criteria limitations and pretreatment requirements are imposed, residual wasts are handled adequately and appropriate effluent limitations and self-monitoring are provided. EPA Montana issues permits on Indian Reservations.	2	5					WQB, EPA
B. Issue, reissue, or modify within 6 months of application or expiration date minor permits or general permits as needed to eliminate backlog of expired permits.							WQB, EPA
C. Develop and implement annual compliance inspection program with quarterly reports to EPA of completed inspections.							
1. All major municipal facilities will be inspected (compliance monitored or O&M inspected) at least annually with composite sampling at mechanical plants whenever possible.	10	26					WQB
2. All major industrial facilities will be compliance monitored (sampled or evaluated) at least annually.	6	19					WQB
3. Minor municipal and industrial facilities will be insoected when problems are suspected and as time permits. EPA conducts inspections on Indian Reservations.							WQB, EPA
D. Provide appropriate enforcement actions in accordance with State/EPA Enforcement Agreement.							WQB, EPA-MT& Denver
1. Evaluate need for update of State/EPA Enforcement Agreement.	10/1/86						WQB, EPA

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
E. Provide review and appropriate notification on self-monitoring information as reports are received. Enter effluent data into PCS. EPA-Helena reviews self-monitoring reports for Indian Reservation facilities for which responsibility has not been delegated. Conduct joint monthly DMR review meetings.	9/30/86 6	12					WQB, EPA
F. Develop draft written Enforcement Management System procedures documenting the violation review process and enforcement response guide.	10/1/86						WQB
G. Quarterly Noncompliance Reports for majors using National definition of significant noncompliance. Includes enforcement action summary report.	2	4					WQB
H. Semiannual Compliance Reports for completed federally-funded minor municipalities.	10/31/86 with QNCRs	5/31/87					WQB, EPA
I. Reconnaissance inspections. Estimated number = 75.	25	50					WQB, EPA
J. Jointly monitor (audits and inspections) approved local pretreatment programs. Pursue delegation of pretreatment program during FY87. EPA continues to provide technical assistance. Modify permits at EPA request.	2	4					WQB, EPA MT& Denver
K. Investigate complaints of illegal discharges and possible violations of water quality standards and provide follow-up.	Quarterly Review	Quarterly Review					WQB, EPA
L. Implement the municipal compliance strategy. All facilities in compliance by 7/1/88. Update municipal compliance strategy on semiannual basis.	9/30/86	3/31/87					WQB, EPA
M. Provide copies of all file documentation for major permits to Montana Office.	As Required	As Required					WQB, EPA
N. Follow up on the most significant problems identified through the DMR QA program and provide annual report to EPA. The results of this program will be utilized as a tool in selecting inspection candidates.		3/31/87					WQB
O. State program overview, policies, procedures and output reviews. Complete revision of the NPDES delegation agreement during FY87.	12/31/86						EPA, WQB

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR Date of Completion	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
III. Groundwater Pollution Control Program (excludes UIC)			1.45				
A. Issue, reissue or modify MGWPCS permits.	3	6					WQB
B. Joint review of DSL operating permits, exploration licenses, MFSA projects, Superfund projects, wastewater system plans, subdivision projects, SHWB landfills.	5	10					WQB
C. Provide sampling or evaluation inspections on permittees, joint inspections for groundwater compliance on other agency projects. Coordinate with MBMG Groundwater Information Center.	15	30					WQB
D. Investigate complaints of groundwater pollution, including petroleum fuels. Provide recommendation for enforcement and cleanup follow-up. Coordinate with SHWB on underground tank program.	Quarterly Review	Quarterly Review					WQB
E. Develop a computer form and program to track evaluation/ sampling inspections and contamination investigation activities.		1/87					WQB
F. Determine the current status of each of the approximately 30 permits issued to date. Follow up to ensure that self-monitoring, as per the permit conditions, is being done. Develop tracking system for this activity.		6/87					WQB
IV. 404 Permit Review and 401 Certification	Quarterly Review	Quarterly Review	.30	.40			
A. Review proposed 404 permits. As necessary, establish conditions for 401 certification to prevent WQS violations or deny certification for projects that will violate WQ standards. Conduct inspections as necessary. EPA will provide 401 certification for proposed 404 permits on Indian Reservations.							WQB, EPA
B. Assist with the coordination of 310 and 404 permit programs.							WQB
C. Issue 3(a) authorizations for short-term activities which exceed turbidity standards. Conduct inspections as necessary to verify compliance.							WQB
D. Review and comment on proposed 404 permits to assure that projects are compatible with 404(b)(1) guidelines, or that appropriate conditions to insure compliance with 404(b)(1) guidelines are included. Conduct inspections as necessary.							EPA

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
E. State will work with EPA to develop a plan for protecting wetlands from discharges of pollutants through application of the NPDES program, the 404 program, and 401 certification.							EPA, WQB
F. Participate in Interagency Highway/Wetlands Evaluation and Mitigation effort promoted by Federal Highway Administration.							EPA, WQB
V. Water Quality Standards			.25	.15			
A. The State and EPA will review existing information, studies, data, etc., for Prickly Pear Creek, Silver Bow Creek, Muddy Creek and Hot Springs Creek and identify additional information which is needed and studies which must be conducted to satisfy the Use Attainability requirements of 40 CFR Part 131.	7/1/86						EPA, WQB
B. Additional use attainability studies, if necessary, will be initiated; or existing information will be reformatted to satisfy the Use Attainability requirements. The State shall submit Use Attainability Analyses justifying why these four stream segments cannot attain the fishable/swimmable goals either on a year-round or a seasonable basis. (Use Attainability Analyses will not be required if fishable/swimmable use designations are included in next WQS revision.)		Submit Analyses 6/30/87					WQB
C. If appropriate, include upgrading of current "E" classification stream segments in next WQS revision.							WQB
D. Draft WQS implementation procedures document submitted to EPA. This document will identify and explain the procedures and methodology used by the State to regulate point source discharges of toxic pollutants to implement ARM 16.20.633(1)(d); and will explain the implementation and use of numeric and narrative criteria to protect designated uses.	7/1/86						WQB
E. EPA will submit written comments on Draft WQS implementation procedures to WQB.	9/1/86						EPA
F. State will submit final WQS implementation procedures document to EPA.		1/1/87					WQB
G. Review numeric limits for metals in Clark Fork River, classifications C-1 and C-2. Establish appropriate revised criteria in next WQS revision (anticipated by December 1987) or provide scientific justification for current values.	9/30/86						WQB
H. Include identification of methods by which ARM 16.20.634 is implemented to ensure that mixing zones are free of materials that would be acutely toxic to aquatic life in WQS implementation procedures document.	7/1/86						WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	
	Date of Completion						
I. Clarify the meaning of "... adopts and incorporates..." in Section (3) and (4) of ARM 16.20.617 through 16.20.624 in next WQS revision (anticipated by December 1987).							WQB
J. State will review/revise the nondegradation (i.e., anti-degradation) policy to ensure that the policy includes the elements, required public participation, and implementation procedures consistent with 40 CFR 131.12 in the next WQS revision anticipated by December 1987.							WQB
K. State will review available information on conventional pollutants/constituents and, if feasible and appropriate, revise/adopt criteria for protection of designated uses. (e.g., TDS)							WQB
VI. Wasteload Allocation/Total Maximum Daily Loads							
A. The State will submit a revised draft document describing procedures and processes for performing WLA/TMDLs (this will be part of the document discussed in item V.D above).	7/1/86						WQB, EPA
B. EPA will provide review comments on draft document.	9/1/86						EPA
C. State submittal of final document on water quality standards implementation.		1/1/87					WQB
D. The State will develop, and EPA will review, individual WLA's until the State WLA process has been approved by EPA.		6/30/87					WQB, EPA
VII. Operation and Maintenance/Operator Training			.50	.10 Also Utilize Resources in Drinking Water and Construction Grants			
A. Conduct 7500-5 on-site inspections, or the equivalent, using State inspection forms. Publically owned wastewater treatment works will be inspected at least once every three years.	25	50					WQB
B. Publish Big Sky Clearwater.	12/86	6/87					WQB
C. Conduct annual operators school at Montana State University.	9/86						WQB
D. Coordinate and monitor 104(g)(1) grants program and consider development of proposal for FY86 funds.							WQB
1. Complete selection of facilities.	6/86						WQB/NMC
2. Complete CPE's.	9/86						WQB/NMC
3. Complete CCP's.		4/87					WQB/NMC
4. Prepare Final Report.		6/87					WQB/NMC
E. Develop statewide operator training strategy; this may include consideration of 109(b) facility.		6/87					WQB/NMC

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
F. Review progress, provide assistance as requested in the conduct of the 104(g)(1) grant activities.	Quarterly	Quarterly					EPA
G. Issue certification licenses to operators and give examinations to new operators.							WQB & Water & Wastewater Operator Certification Board
1. Licenses issued.		600					
2. Exams given.		150					
VIII. Monitoring			2.5	.05			
A. Clark Fork River	Mid-Year Review	EOY Review					
1. Monthly sampling at ongoing twelve upper river stations.							WQB
Silver Bow Creek below Colorado Tailings Silver Bow Creek near Ramsay Silver Bow Creek below Warm Springs Ponds Mill-Willow Bypass near mouth Warm Springs Creek at mouth Clark Fork River at Warm Springs Clark Fork River near Dempsey Clark Fork River at Deer Lodge Clark Fork River at Garrison Clark Fork River at Gold Creek Clark Fork River at Bonita							
2. Carry out the WQB Clark Fork River monitoring program (D.O., toxicity, periphyton foam, mixing zone, chlorinated hydrocarbons) in cooperation with the Interagency Task Force, Clark Fork River Basin Project, and Office of the Governor.							WQB
3. Carry out Lower Clark Fork River monitoring program (18 stations). Monitoring report to be submitted to Governor's Office.		11/87					WQB
B. Periodic sampling to check the effectiveness of and make necessary adjustments to the Freezeout Lake/Priest Butte Lakes/Teton River WQ Management Plan.							WQB
C. Perform "after" phase monitoring on the Bitterroot River, Hot Srpings Creek and Big Springs Creek in accordance with WWTP construction/stream recovery studies.							WQB
D. Perform monitoring on Clark Fork River to reevaluate Missoula WWTP effluent limitations (NH_3 concern). Prepare summary report.		6/30/87					WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	
	Date of Completion						
E. Perform monitoring on Ashley Creek to reevaluate Kalispell WWTP effluent limitations (D.O., P, NH_3 concerns). Prepare summary report.		6/30/87					WQB
F. Continue support for interagency suspended sediment/turbidity monitoring on the upper Yellowstone River.							WQB
G. Continue monitoring (contracted to USGS) on upper Missouri River drainage for possible preparation of instream flow reservation for water quality protection. Prepare summary report.		6/30/87					WQB
H. Perform monitoring of Flathead Lake to evaluate progress under the Flathead Lake Phosphorus Strategy. Prepare Flathead Basin Commission Report.		12/87					WQB
I. Perform monitoring in Stanley Creek and Lake Creek to evaluate ASARCO mine impact. Prepare Field Investigation Report.		6/30/87					WQB
J. Ceriodaphia toxicity screening test along Yellowstone River above and below Billings. Prepare Field Investigation Report.	12/31/86						WQB
K. Perform monitoring on Rock Creek above and below Red Lodge to identify potential concerns (e.g., nutrient, fecal coliform). Prepare Field Investigation Report.	12/31/86						WQB
L. Perform Bridger Canyon sanitary survey. Prepare Field Investigation Report.	12/31/86						WQB
M. Conduct additional monitoring/surveillance in support of permits, construction grants, WQ standards, and WLA studies.	As Needed	As Needed					WQB
IX. Quality Assurance							
A. Revise field procedures manual for water monitoring.		6/30/87					WQB
B. Continue and maintain quality assurance checks.	Ongoing						WQB

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
X. Data Management	Ongoing	Ongoing					
A. Continue data handling, storage and reporting activities to support water quality program needs including the annual updating of the data and providing submission of all data from monitoring activities for input to STORET.							WQB
B. Process water quality data as submitted by the State into STORET.				.10			EPA
D. Develop data management system for WQB biological data using the Bureau's new IBM PC system and a terminal in the WQB Biological Laboratory.		As Time Allows					WQB
E. Maintain paper (basin) files of ambient WQ data.							WQB

ACTIVITY/OUTPUT	MILESTONE: THROUGH MIDYEAR (Date of Completion)	MILESTONE: THROUGH END OF YEAR	RESOURCES: WORKYEARS STATE	RESOURCES: WORKYEARS EPA	RESOURCES: DOLLARS STATE	RESOURCES: DOLLARS EPA	RESPONSIBLE AGENCY
WATER QUALITY MANAGEMENT							
I. Administration			.25	.25			
A. Provide general program direction, administrative and supervisory support to the WQ Management Section.	Ongoing	Ongoing					WQB
B. Meet to discuss program accomplishments and to identify and report progress.	Quarterly	Quarterly					WQB, EPA
C. Prepare a program oversight report on WQM activities.		1/87 7/87					EPA
II. Water Quality Assessment/Planning/Reporting	Mid-Year Review	EOY Review	1.65	.20			
A. Maintain a list of priority water bodies and use the list to reach decisions which result in the greatest water quality and public health benefits.							WQB
B. Review construction grants and MPDES permit decisions for consistency with WQM plans.							WQB
C. Review Blue Ribbons APO and Flathead Drainage 208 Projects for possible dedesignation.		6/30/87					EPA, WQB
D. State will report annually on the nature, extent and causes of water quality problems. This requirement can be satisfied by: a letter certifying that the current 305(b) report is up to date; a supplement to the 1986 305(b) report; or a new water quality assessment report.		6/30/87					WQB
E. State will field validate and revise ASIWPCA/305(b) listing of rivers and streams impaired by nonpoint source pollution.							WQB, EPA
F. State will continue effort to reorganize and computerize nonpoint source assessment data collected in response to ASIWPCA national assessment in 1985.							WQB, EPA
G. State and EPA will review, revise and update the NPS section of the WQM plan as needed.		6/30/87					WQB, EPA
NOTE: Many water quality assessment or monitoring activities are also identified under item VIII Monitoring.							

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR Date of Completion	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
III. Nonpoint Source Pollution Control			1.75	.30			
Support the implementation and utilization of NPS policy and strategies developed by the National NPS Task Force through updated cooperative agreements and/or assessments of compliance with agency nonpoint source strategies and national nonpoint source policy.							WQB, EPA
A. Agriculture							
1. Participate in State USDA Conservation Review Group to provide water quality inputs for ACP/GPCP Program.		Written Summary Evaluation					EPA, WQB
2. Track progress of USDA Conservation Reserve Program and provide input for consideration of water quality.	Track Progress	Written Summary Evaluation 5/87					EPA, WQB
3. Participate in State USDA Food and Agriculture Council/ Committee on Rural Development (FAC/CRD) meetings to promote a higher level of priority for water quality in Federal agency activities.	Bimonthly Meetings	Bimonthly Meetings					EPA, WQB
4. Work with CDD-DNRC to obtain Renewable Resources Development Program grant for nonpoint source implementation of riparian area improvements for SFY 1988 and 1989.	Mid-year Review	EOY Review					WQB
5. Provide assistance to Conservation Districts in implementing NPS control activities and special water quality projects. Prepare streambank inventory reports.	Mid-year Review	EOY Review					WQB
Otter Creek, Musselshell River, East Gallatin River, Prickly Pear Creek, Sun River, Bridger Creek, Rocky Creek, Smith River, Bozeman Creek							
B. Silviculture	Mid-year Review	EOY Review					
1. Monitor U. S. Forest Service and Bureau of Land Management activities in accordance with MOU's to implement WQM programs.							WQB
2. Work with State Division of Forestry, Conservation Districts and U. S. Forest Service to pursue adoption of standardized BMPs for forest activities and improved monitoring programs.							WQB

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
3. Support efforts by the State Division of Forestry and the forest products industry to develop and implement a strategy for mitigating cumulative impacts from forest activities in multiple ownership watersheds.							WQB
4. Conduct meetings with USFS (Regional Office and Forests) and BLM (State Office and Districts as needed) projects and activities and identify where Federal watershed improvement funds are to be used.							WQB, EPA
5. Monitor implementation of Forest Plans and Resource Management Plans and participate in Governor's Forest Planning Task Force.							WQB, EPA
C. Mining							
1. Work with Department of State Lands, Hardrock Bureau to monitor compliance of operating mines with water quality requirements.							WQB
2. Work with Department of State Lands, the USFS, and BLM to support reclamation of abandoned hardrock mined areas which are causing water quality problems.							WQB
3. Work with Solid and Hazardous Waste Bureau to support Superfund activities addressing water quality problems related to mining.							WQB, EPA
4. Coordinate assessment of biological impacts from proposed Cabin Creek Coal Mine in British Columbia under auspices of Flathead River Basin International Study Board, IJC and prepare Phase II report to the Board.							WQB
D. Construction							
1. Support compliance with Federal Highway Administration Nonpoint Source Strategy and National Nonpoint Source Policy by continuing communication and dialogue with Montana Department of Highways and Federal Highway Administration. Participate in interagency highway construction wetland protection effort.	Mid-year Review	EOY Review					EPA, WQB
2. Support Department of Fish, Wildlife and Parks and Conservation Districts to utilize 124 permits and 310 permits to control nonpoint source pollution caused by stream construction activities by coordinating 401 certification of 404 permits and issuance of short-term turbidity exemptions.	Ongoing	Ongoing					WQB

Drinking Water

The first Montana public water supplies law was enacted in 1907. This law was revised in 1977, and again in 1979, to enable Montana to receive and retain delegation for the administration of the "Federal Safe Drinking Water Act" (PL 93-523) enacted in 1974. Prior to receiving primacy under the Safe Drinking Water Act, Montana's program covered about 250 community water systems. The present program regulates all systems which have at least 10 service connections or serve 25 people per day for 60 or more days per year. That inventory of public water systems varies in number but usually includes about 645 community systems and 1,425 noncommunity systems.

From a quality standpoint, the state's drinking water is considered generally good in western Montana. Many supplies in eastern Montana, particularly those using groundwater, would be considered poor. The problems with these supplies are generally aesthetic, and include high TDS, sulfates, sodium, iron and manganese. Some of the surface water supplies in the western part of the state still use the surface sources without filtration and occasionally have turbidity problems, but several new plants have been constructed in the past few years with technologies that eliminate the major turbidity problems.

Montana has about 10 community supplies that exceed 4.0 mg/l in fluoride. These systems are required to give public notice and provide bottled water for those who prefer it. The department has also initiated legal action against one supply which exceeds the maximum contaminant limit (MCL) for nitrate. That supply is now under a court ordered compliance schedule to provide an alternate source of water for its users.

Unfiltered surface water has been one of the state's major concerns for the past several years. Outbreaks of giardiasis have been experienced here as in other states, and the public water supply program is taking action to see that the risk from Giardia is minimized. The public water supply (PWS) Program has contracted with a person specializing in the area of Giardia filtration and control, and is having that person investigate surface sources to determine where the Giardia threat is present. Each surface system is looked at on an individual basis and recommendations are made to assure safe water delivered to the consumers. This work is done on supplies that are filtered as well as unfiltered supplies and infiltration galleries. The program hopes to add a position to the permanent staff so this work can be continued on a full time basis.

The majority of the state's community public water supplies are regularly monitoring for bacteriological quality. Noncommunity supplies are doing a fair job, and are continually monitored by the state.

The program recently obtained a system of personal computers (PC) to help keep track of the data and provide word processing capabilities. Becoming thoroughly familiar with the system will take a while, but the new data processing capabilities should help to increase compliance in the future.

The MCL for coliform bacteria is rarely exceeded, but when it is, the program's engineers work with the PWS personnel to identify the problem and solve it. Several groundwater supplies with bacterial problems have had to put in full-time disinfection over the past 2-3 years.

Priority objectives for FY 1987 include:

- Improve compliance of public water supplies for all of the requirements of the Safe Drinking Water Act.
- Monitor and enforce the public notice requirements.
- Improve the bacteriological quality of those PWS's that have coliform problems or high standard plate counts.
- Establish compliance schedules for those systems that need improvements to meet MCL requirements.
- Conduct field investigations at 70-80% of the state's PWS's.
- Provide technical assistance regarding operation and maintenance to PWS's.
- Provide training and certification of operators.
- Review plans and specifications for construction on PWS's.
- Improve plan review procedures and policies and rewrite regulations as needed.
- Provide certification for laboratories.
- Investigate all PWS's that could be at risk for Giardia, do evaluations and make recommendations to see that the risk is minimized.
- Optimize the use of the PC Network.

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
ORINKING WATER PROGRAM - PUBLIC WATER SYSTEMS							
I. Administer program according to the Federal SOWA, State statutes and regulations, and grant regulations and conditions.			.85	.60			
A. Provide quarterly reports of violation data to EPA within 60 days of the end of each calendar quarter in the format requested by EPA.	2	4					WQB
B. Participate in program evaluation/oversight performed by EPA.		1					WQB
C. Administer local health department contracts for inspections of public water supplies.		21					WQB
D. Define "high priority" noncommunity water system and provide list, by name, to EPA.		9/30/86					WQB
II. PWS surveillance and technical assistance.			1.70	.05			
A. Conduct inspections of PWS's and make written reports. EPA will participate in approximately 5 percent of inspections conducted by WQB staff.	Semi-Annual Review	EOY Review					
1. WQB staff		90					WQB
2. Contracted sanitarians		600					WQB
3. Contracted individual(s)		300					WQB
B. Investigate suspected waterborne disease outbreaks.		By Incident					WQB
C. Investigate suspected incidences of underground sources of drinking water contamination.		By Incident					WQB
III. Review plans and specifications for all new and/or modified PWS's.		120	1.75				WQB
IV. Train and certify water system personnel. One 1-week course 10 One-day seminars 2 Certification tests given Onsite training for plant operators			1.25				WQB
V. Provide appropriate compliance activities and enforcement action in accordance with State/EPA Enforcement Agreement.	Semi-Annual Review	EOY Review	1.35				WQB

WATER QUALITY MEDIA WORK PLAN

	ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
		Date of Completion						
VI.	Maintain records essential for PWS program including inventory of all PWS's.	Semi-Annual Review	EOY Review	2.00				WQB
VII.	Provide laboratory capability to conduct analysis necessary for the program.	Semi-Annual Review	EOY Review					WQB
VIII.	Recertify private laboratories who do drinking water analyses.		EOY Review					WQB
IX.	If funds are available, perform VOC monitoring for PWS's at vulnerable sources.		10					WQB

Underground Injection Control

The purpose of the Underground Injection Control (UIC) program is to prevent the contamination of underground sources of drinking water. Neither the DHES nor the Board of Oil and Gas Conservation demonstrated an interest in assuming responsibility for the regulation of injection activities under the Safe Drinking Water Act. While the intent of the Act was to encourage states to assume primary enforcement authority for the UIC program, in those cases where the state is unable to meet the program requirements or where a state does not apply for the program, the Administrator of EPA must prescribe a program for that state. This was done by EPA and it became effective in June 1984.

EPA is implementing the UIC program through the Denver Regional Office and the Montana Office. The Regional Office is responsible for program direction, administrative and technical functions related to permit issuance and compliance monitoring. The Montana Office has the lead responsibility for field activities, compliance inspections and emergency response. The permit work load is shared between the two offices, with the final permits and all administrative activities associated with the permitting activities being the responsibility of the RO.

Injection activities have been divided into five classes. In general, the classification of wells is as follows:

Class I - Wells used by municipal and industrial dischargers to dispose of waste materials below the lowermost formation containing an underground source of drinking water.

Class II - Wells which inject fluids associated with the recovery of oil and natural gas. This includes brine waste injection, enhanced recovery of oil or natural gas, and storage of hydrocarbons.

Class III - Wells used for the extraction of minerals.

Class IV - Wells used to dispose of hazardous waste materials into or above a formation containing an underground source of drinking water.

Class V - Wells not included in Classes I - IV including air conditioning return flow wells; cesspools, drainage wells used for storm runoff, etc.

To date, no Class I, III or IV injection wells have been identified in Montana. Only Class II wells are presently being permitted.

Under the regulations, all new injection wells must have a permit from EPA before they can begin injection. "New" is defined as any injection well that goes into operation after June 1984. In addition, all salt water disposal wells that were in existence as of June, 1984 must also be permitted before June 1988. The permitting of these wells is being done in a phased manner, with about 25 percent of the existing wells proposed to be permitted each year. The existing enhanced recovery wells are not required to obtain a permit, but are still required to meet all requirements of the regulations.

All injection wells must meet certain construction requirements, demonstrate mechanical integrity (have no significant leak in the casing, tubing or packer and have no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore), meet certain operating, monitoring and reporting requirements, and have an approved plugging and abandonment plan. In addition, the company operating the injection well must meet the financial responsibility requirements necessary to plug and abandon the well.

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
	Date of Completion		STATE	EPA	STATE	EPA	
UNDERGROUND INJECTION CONTROL (UIC)				4.65	0	123,900	
I. Permit Issuance							
A. Review applications for and issue permits for Class II wells and/or fields.		65					EPA
II. Surveillance and Investigation				1.00			
A. Assure compliance with permit and other regulatory requirements through compliance inspections.		200					EPA, MO
B. Notify owner/operator and require mechanical integrity testing.		200					EPA, RO
C. Witness required mechanical integrity testing.		40					EPA, MO
D. Review operator supplied compliance reports.		850					EPA, RO
III. File Reviews				.75			
A. Review files for rule authorized wells.		200		.80			EPA, RO
IV. Administration							
A. Do annual report as required by 40 CFR 144.8(b).		3/87					
TOTAL				7.20			

**All milestones are estimates. They will be modified after September 30, 1986 to better reflect total EPA commitments.

Construction Grants

A federal grant program was initiated in 1956 to assist municipalities in the construction of sewage treatment facilities. Originally the state assisted the EPA and predecessor agencies in administration of this program by establishing needs and priorities, reviewing project applications and preliminary and final plans. In recent years, administration of the program has been delegated to the state with EPA assuming an oversight role.

An annual priority list is developed by the WQB to rank projects and determine which communities will receive grant assistance. The priority system considers impairment of classified water uses from existing municipal pollutant discharges, as well as the extent of surface or groundwater degradation and associated public health concerns.

During FY 1982 the Municipal Wastewater Treatment Construction Grants Amendments of 1981 (PL 97-117) were passed. The program went from a three step program (i.e. Step 1 - Facility Planning, Step 2 - Design and Step 3 - Construction) to a program where only one grant (Step 3 - Construction or Step 2 and 3 - Design and Construction) is offered, and within that grant, an allowance is given to cover a portion of the costs of facility planning and design. There is an exception where small, needy communities may receive an advance for the facility planning. For grants offered after October 1, 1984, the federal share was reduced from 75% to 55%. Only capacity for existing growth is eligible for federal participation for these grants.

Funding for the construction grants program has only been partially appropriated for FY 1986, but only 25 percent of these funds have been released for use. While the full appropriation is ultimately expected, the Clean Water Act is up for reauthorization this year and Congress has indicated that no further money will be released until approval of the Act. The partial release of funds has allowed the funding of only one new grant with the remaining appropriated grant monies reserved for increases needed to complete existing projects.

With the current status of the Clean Water Act, the future of the construction grants program is uncertain. The state will actively pursue whatever changes become necessary to meet the changing federal program.

Montana will assist EPA in meeting EPA's water accountability system to the extent resources allow. Lack of consistent funding will affect compliance with work plan goals.

Contact Persons:

Water Quality Bureau, DHES (444-2406)
- Steve Pilcher, Chief
- Loren Bahls, Water Quality Management Section
- Dan Fraser, Safe Drinking Water Section
- Scott Anderson, Construction Grants Section
- Fred Shewman, Permits and Enforcement Section
- Abe Horpestad, Special Studies and Support Section

EPA Montana Office (449-5486)
- Dick Montgomery, Water Quality Coordinator

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR Date of Completion	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
CONSTRUCTION GRANTS							
1. Participate in Regional Construction Grants Oversight/Office of Water Accountability Systems.			8.00	1.2			WQB, EPA
A. Montana will submit detailed workplan containing core elements of the program including quantitative estimates of performance per Regional Construction Grants Oversight System and EPA's specific guidance by October 15, 1986. EPA will provide specific guidance to the states on the workplan by August 15, 1986. Upon acceptance by EPA it will become part of the SEA.							WQB
B. Montana will carry out the Construction Grants Program in accordance with the 205(g) Delegation Agreement and the annual workplan. The Region will conduct all non-delegated functions consistent with these agreements.							WQB, EPA
C. Implement changes resulting from the FY 1986 amendments to the CWA, including modifying the delegation agreement in a timely manner.							WQB
D. Participate in the Needs Survey with emphasis on the water quality comoonent.							WQB
E. Implement the sludge management program regulations.							WQB
F. Ensure individual project decisions are consistent with sound sludge management practices.							WQB
G. Montana will work towards completion of construction grants projects in accordance with EPA's National Municipal Policy.							WQB
H. Montana will continue to work with EPA in implementing the Operations Management Evaluation Program.							WQB, EPA

Air

The Big Sky Country is truly what its name implies, yet there are places where the quality of air is a fragile resource. The plains east of the Rocky Mountains provide few obstructions to the sea of air that flows across the land, but in western, southern and central Montana, where various mountain ranges form valleys, air sometimes is trapped in layered inversions, causing degradation.

In addition to inversions and natural aources of contamination, man also plays a part in altering air quality. In urban areas throughout the state, such things as street dust, smoke from wood stoves and industrial emissions contribute to lowering air quality and visibility. In rural areas the largest contributors to air quality degradation are unpaved roads and mining operations.

Implementation plans have been developed and are being carried out for all areas. In Great Falls, the final area to complete a plan, a carbon monoxide evaluation has been completed and control strategies identified. A SIP was submitted during late 1984, but was stalled when it was discovered carbon monoxide emission reductions at the Montana Refining Company (formerly Phillips Petroleum) were never achieved. This problem has been negotiated with Montana Refining Company and resolved in early 1986. The plan was approved by the board on March 7, 1986 and has been submitted to the EPA for approval.

A revised plan to control TSP in Butte as well as a request for redesignation to attainment was submitted in early calendar year 1983. Questions about the plan have been raised and answered. Plan approval should quickly follow, but redesignation will not take place due to newly discovered exceedences of the standard.

The Missoula carbon monoxide attainment plan contains major modifications to the intersection of South Brooks and Russell. This project is essentially completed. Despite these efforts, it appears standards may not be met without further reductions from residential wood burning. Missoula is now actively working on those strategies. Rules governing wood emissions have recently been put into place.

The Air Quality Bureau (AQB) processed more than 100 permits to assure that new air pollution sources comply with all air quality rules and standards. The DHES performed in excess of 17,000 laboratory analyses on 4,000 samples to evaluate the effects and levels of air pollution. It analyzed 180,000 hourly field samples to investigate the air pollution levels throughout the state.

The AQB enforced compliance with air quality rules through nearly 140 field surveillance actions, several notices-of-violation and several impositions of civil penalties.

Montana's ambient air monitoring network has been reviewed and modified as necessary.

Changes in permit and PSD rules were completed and continue to occur in order to obtain a fully approved implementation plan.

Nearly all nonattainment plans have been approved or conditionally approved. The State Implementation Plan (SIP) plan for Great Falls is expected to be approved in 1986. The lead problem in East Helena has been studied and control strategies are currently under way. The Billings CO and Missoula TSP plans were recently approved in the Federal Register.

Montana operates an approved PSD program. Sources will be reviewed as appropriate under this program.

A continued program of inspections and enforcement is essential for maintaining ambient air quality standards throughout the state. The state, thus, will process new permits and schedule regular inspections in order to provide an assurance of compliance. Enforcement actions will be taken when appropriate.

The accurate measurement of Montana's present and future air quality plays an important role in existing and future SIP revisions. The location and impacts of new sources and proper technical impact analyses are essential for the continued protection of Montana's pristine air quality and to accommodate orderly industrial growth.

The state annually completes a review of its air monitoring program and submits a Network Review Report to EPA for approval. Modifications to the existing network will be carried out according to the schedules set forth in the report.

Montana will continue to actively pursue a high quality data retrieval program. It may be necessary to reduce monitoring efforts at some locations in order to realize this goal.

Montana will attempt to begin a program to audit continuous emission and ambient monitors operated by company personnel.

As a result of alleged violations of emission and ambient air quality standards in the Billings area, the DHES and six area industries signed a stipulation in late 1977 requiring, among other things, an intensive sulfur dioxide monitoring study. The study was initiated through contract in the fall of 1981. The study was completed in October, 1982. The study involved four monitoring sites near Billings and two near Laurel in addition to upper air meteorological soundings. The Bureau has analyzed the data and determined that the area complies with the federal ambient air quality standards, but not state standards. The board has directed the DHES to develop emission standards for major industries in the area. These standards will be subject to public hearing in the summer or fall.

As a result of a recent court case (Environmental Defense Fund v. Ruckleshaus, No. C82-6850 RPA), Montana has developed rules and policy necessary to comply with Congress's intent to control visibility degradation in mandatory Class I areas (Phase I). Notice of proposed approval for the Phase I program appeared in the Federal Register in January, 1986. Rules have already been developed and submitted to the

Board for new source review. Monitoring strategies are still under development. The Phase II program is still under development.

It is becoming increasingly obvious that wood stove emissions are having a larger and larger impact upon air quality especially in western Montana. As a result of this, Montana is attempting to quantify their impact upon ambient air quality standards through the use of source apportionment studies. Should this source demonstrate a significant impact upon ambient air quality, as suspected, Montana will serioualy conaider imposing a performance standard for new and possibly existing wood stoves, similar to Oregon and Colorado.

Air toxic issues have taken on a high priority with EPA. As a result of this action, Montana is developing a state-wide plan on this subject. A plan strategy should be open for comment by June 1986. Initially, Montana sees the control of wood stove emissions as a significant part of this effort.

Contact Persons:

Air Quality Bureau, DHES (444-3454)

Hal Robbins, Chief

EPA Montana Office (449-5486)

Dick Montgomery, Air Quality Coordinator

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
AIR ACTIVITIES							
I. Point Source Compliance							
A. Inspections and Emission Inventory			4.90	.90	83,540	151,140	
1. State shall inspect each Class A-1 source and approximately 1/2 of Class A-2 sources each year. In addition to State inspections, EPA-Montana Office shall perform 12 facility overview inspections of Class A sources.	30	80					AQB, EPA
2. EPA shall inspect all major, regulated sources located on federally-recognized tribal lands.	1	4					EPA
3. Inspect asbestos demolition and renovation projects. Submit quarterly summary of asbestos notifications/ enforcement activity.	4	12					AQB, EPA
4. State shall provide EPA within 10 days copies of all violation inspection reports in accordance with the Enforcement Agreement.							AQB
5. Update the emission inventory for Class A-1 and A-2 stationary sources. Provide quarterly updates through the Emission Inventory System (EIS). Provide listing of portable sources in October.	30	80					AQB
6. Review classification of Major Stationary Sources.		Update EIS					AQB
B. Enforcement							
1. State shall take formal enforcement action against significant A-1 and A-2 sources within 60 days following violation in accordance with the Enforcement Agreement. EPA may take formal enforcement action as specified in enforcement agreement.		Monthly Summary of Actions					AQB, EPA
2. Utilize continuous emission monitors (CEMs) for enforcement purposes where not excluded from doing so by regulation or formal agreement. Set up a mechanism for entering excess emission report (EER) data into COS/CEM subset.							AQB, EPA
3. Modify or reaffirm 1986 Enforcement Agreement as appropriate.	10/86						AQB, EPA
II. New Source Review			2.30	.40	39,770	71,950	
Process new source permits as required. Copies of permits will be sent to EPA.		Approximately 80					AQB

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
III. SIP Activities			3.00	1.30	53,150	96,160	AQB
A. Prepare annual SIP progress report.		4/87					
B. SIP Revisions							
1. Develop SIP revisions as necessary within 9 months of promulgation of new or revised National Ambient Air Quality Standards.		As Required					AQB, EPA
a. Develop plans for attainment of PM10 standard when promulgated by EPA.							AQB
2. Adopt new regulations and revise existing regulations as required to maintain delegation of Federal programs.							
a. NSPS (New Source Performance Standards)		7/87					
b. NESHAPs (National Emission Standards for Hazardous Air Pollutants)		7/87					
c. Change PSD rules to address mining fugitive emissions if required.		If Required					
d. Address New Source Review regulation deficiencies identified by EPA in response to directive in July 13, 1984 Federal Register.		1/87					
e. Complete Phase II Visibility SIP.	10/86						
f. 40 CFR 51.19(e) Continuous Emission Monitoring requirements for specified existing sources.	10/86						
3. Revise nonattainment area plans for areas which do not attain standards as result of approved plan.		As Required					
4. Designate new nonattainment areas as appropriate.		As Required					
C. Current SIP Actions							
1. Nonattainment Areas							
Track TSP, SO_2, lead and CO approved implementation plans in nonattainment areas. Request redesignation to attainment as appropriate.							
a. Butte TSP Plan (held up by new violations)	Submitted 2/10/83	Semi-annual Progress Report					AQB, EPA
b. East Helena Pb Plan (additional controls required)	Approved 7/9/84	Semi-annual Progress Report					AQB
c. Great Falls CO Plan	Submitted 3/28/86						EPA
d. Billings CO Redesignation (plan approved 1/16/86)	Reviewing Data	Submittal 1/87					AQB
e. Billings TSP Redesignation (secondary)	Collecting Data						AQB

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
f. Colstrip TSP (secondary) (Primary standard attained. Awaiting new particulate standard)							Complete
g. Columbia Falls TSP Redesignation	Collecting Data						AQB
h. East Helena TSP Redesignation (secondary)	Collecting Data						AQB
i. Great Falls TSP Redesignation (secondary)	Collecting Data						AQB
j. Laurel SO_2 Redesignation	Collecting Data						AQB
k. Missoula CO Redesignation (plan approved 1/16/86)	Collecting Data	Semi-annual Progress Report					AQB
l. Missoula TSP Redesignation (plan approved 1/16/86)	Collecting Data	Semi-annual Progress Report					AQB
2. Regulations							
a. New Source Review Revisions	Submittal 10/86	Approval 3/87					AQB, EPA
b. Stack Height Rule	Approval 10/86						EPA
c. Visibility Rule - Phase I	Approval 10/86						EPA
Phase II	Submittal 10/86						AQB
IV. Air Toxics			1.00	.10	11,050	19,980	AQB, EPA
A. Conduct toxics inventory.	10/86						AQB, EPA
B. Develop air toxics control program addressing wood stove emissions, inventoried toxics and accidental releases.							
V. Ambient Monitoring			5.35	.40	108,250	195,850	
A. Complete annual network review.		Annual Report 7/87				AQB, EPA	
B. Complete annual review of QA plan and standard operating procedures.		7/87					AQB, EPA
C. Quarterly reporting of NAMS/SLAMS data and precision and accuracy data.	Quarterly Reporting	Quarterly Reporting					AQB
D. Perform system audit of State ambient air monitoring program.		5/87					EPA
E. Continue implementation of PM10 Monitoring Network.							AQB

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR Date of Completion	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	RESPONSIBLE AGENCY
F. Complete annual SLAMS report.		6/87					AQB
G. Adjust reporting system to meet the Aerometric Information Retrieval System (AIRS) requirements. (Including documentation of exceptional events).							AQB
H. Prepare annual summary of ambient violations.		3/87					AQB
VI. Performance Evaluation			0	.20	0	0	
A. Complete FY 86 National Air Audit System (NAAS) report.	10/86						EPA
B. Resolve deficiencies discovered in FY 85 NAAS report.							AQB, EPA
1. Implement CEM requirements of 40 CFR 51.19 affecting specified existing sources.							AQB
a. Montana Power Company Corrette Plant opacity b. Exxon FCC Unit opacity	In place	6/87					AQB
2. Complete protocol requirements for source tests.							AQB
C. Resolve deficiencies identified in FY 86 NAAS report.		As Required					AQB, EPA
VII. Western Montana Particulates			.70	.30	11,990	21,700	
A. Report progress and status of areas experiencing high TSP or PM10 concentrations.	12/86	6/87					AQB
B. Conduct a CMB Source Apportionment study for Kalispell particulate.		9/87					AQB
VIII. Acid Deposition			.15	.20	2,520	4,570	AQB, EPA
Continue to participate in the STAR project.							
IX. Training		As Available	.65	.20	5,330	9,650	AQB, EPA
Provide training in order that employees may implement new programs.							
X. Study arsenic problem in East Helena.		As funds allow					AQB, EPA
XI. Continue Indian assistance program for collection of ambient data and control program development.	See Categorical Workplan						AQB, EPA
TOTAL			18.1	4.0	315,600	571,000	

Solid and Hazardous Waste Management

The disposal of solid waste has become a major, complex problem in Montana. Due to its nature, it also relates to air, water and land pollution. In the future, the solid waste problem will become more expensive and complicated.

Our society consumes enormous quantities of material and energy which, in turn, generates an exceedingly large volume of waste. Approximately 600,000 tons of municipal solid wastes are being generated every year in Montana. Given the well-established waste generation rates, by 1990 nearly 870,000 tons of waste will be generated per year. Presently, waste is being disposed of in more than 230 identified municipal disposal facilities and numerous undisclosed dump sites.

State records also indicate that approximately 10,000 tons of potentially hazardous wastes are generated each year in Montana. This volume of hazardous waste includes pesticides, heavy metals and other industrial chemical wastes. A large number of "empty" pesticide and other toxic chemical containers of all sizes are also discarded annually.

The state now possesses sufficient regulatory authority to control solid waste disposal. As required by the 1977 "Montana Solid Waste Management Act," the SHWB currently is licensing all solid waste management systems in the state. This licensing procedure assures that all such systems will provide a basic public service and not degrade the environment. To date, a total of 221 waste management systems have been licensed by the bureau.

Montana, through the SHWB, has received "final" authorization to manage a state hazardous waste management program. However, because of major changes in the RCRA, the SHWB will be initiating major program development activities to insure that the state program remains equivalent to its federal counterpart. The following number of businesses are presently regulated under the hazardous waste program:

Generators	50
Treatment, Storage and Disposal Facilities	10
Transporters	40

The U.S. Congress passed legislation to reduce the weight exemption limit for hazardous wastes from 1000 kilograms to 100 kilograms. Under the new regulations, the SHWB estimates that the number of regulated generators may increase ten-fold from the current status to approximately 900 to 1000 new generators. The SHWB currently is conducting a detailed statewide inventory to better determine the scope of the regulated community.

Other than the few generators with on-site treatment, storage and disposal facilities, hazardous waste generators in Montana are dependent on out-of-state disposal facilities. Distances to out-of-state facilities are substantial for Montana operators, and this is viewed as burdensome, especially from the standpoint of transportation costs. Also, disposal fees charged by the out-of-state facilities routinely increase. These costs are especially taxing to small generators. It is also a possibility

that these facilities may terminate their business, either permanently or for indefinite periods of time.

EPA set September 22, 1987 as the effective date for implementing small quantity generator standards. Until the standards become effective, these generators may dispose of the wastes in state approved sanitary landfills operated by municipalities and districts throughout the state. However, there is a growing reluctance among landfill operators to accept even small quantities of hazardous waste, because of the future liability they may incur.

A fee system has been established to assist in the management of a state hazardous waste program. Under the system, hazardous waste generators and treatment, storage and disposal facilities are required to pay a fee to the state to help defray the costs of managing the state hazardous waste program.

During FY 1987 a priority will be the continued implementation and maintenance of a fully authorized state hazardous waste regulatory program. Such status will encompass complete state authority over hazardous waste generators, transporters and treatment, storage and disposal facilities. This authority will provide state primacy in permitting, monitoring and enforcement activities. The program will include continuing the notification procedures by regulated communities of hazardous waste activities.

The DHES will continue to provide an emergency response system, which includes a response plan and emergency response team. This team is comprised of state agencies representing a broad spectrum of disciplines. Such a structure assures that state government can provide technical advice and direct assistance to a variety of emergency situations.

As the state's hazardous waste program matures, measures will be taken to assure that an adequate work force is available. Efforts will be made, as needed, to supplement the current hazardous waste staff. In addition, the ongoing training of current staff will be maintained.

Funds from the state Resource Indemnity Trust Fund have been allocated to the SHWB to develop a statewide hazardous waste collection/transfer station program. During FY 1987, the bureau will conduct extensive feasibility analysis, pre-design activities associated with this program.

A concerted effort will be made to provide for public participation. Current state laws and regulations provide formal provisions for insuring public review and comment in the issuance of all permits. The level of public participation undertaken in other activities will depend on the degree of interest from affected or interested persons. Public participation will rely heavily on the mass media, direct mailings, public meetings and public hearings.

Under licensing procedures required by state law, the SHWB will continue to maintain an inspection program of all waste management facilities. The bureau will initiate enforcement action on facilities

identified as open dumps, and for which no effort has been taken to close or upgrade the facilities.

The SHWB will continue to maintain a program to provide technical and consultant assistance to local governments for developing recycling and resource recovery activities. To the extent possible, the SHWB will continue to assist in the proper disposal of small quantity hazardous wastes.

Remedial investigations and feasibility studies will continue on the nine uncontrolled hazardous waste sites identified in the National Priority List. The purpose of remedial investigations is to determine the nature and extent of the problem at the sites and gather all necessary data to support work done during the study period. The DHES has entered into cooperative agreements with EPA to administer investigations and corrective actions on two of the sites. Money from the state's Resource Indemnity Trust Fund will be used as match for the CERCLA program.

The SHWB has applied for and received a cooperative agreement under CERCLA to conduct preliminary assessments (PA) and, where necessary, conduct site inspections (SI) of potentially uncontrolled waste sites identified in EPA's Comprehensive Environmental Response Compensation and Liability Act CERCLA Information System (CERCLIS). Montana has 102 sites on the CERCLIS. To date, 74 PAs and 23 SIs have been completed. In the course of conducting project activities, efforts will be made to identify uncontrolled waste sites currently not listed in CERCLIS.

The DHES has been appointed to be the administrative agency for coordination of the regulation of the underground storage tank program which was recently enacted by Congress. In FY 1987 this program will consist mainly of informing tank owners of the new requirements and the inventorying of tanks.

Contact Persons:

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SOLID AND HAZARDOUS WASTE MEDIA WORK PLAN

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
HAZARDOUS WASTE										
I. Program Development/Management										
A. Develop legislation/regulations equivalent to EPA and update according to MOA (PreHSWA)	Ongoing					.20		9,060		SHWB
1. Develop regulations										
2. Submit to EPA for review										
3. Promulgate rules										
4. Prepare authorization application										
5. Submit application to EPA										
B. Develop authority to include provisions of Hazardous and Solid Waste Act Amendments of 1984 (HSWA)	Ongoing					.15		6,795		SHWB
1. HSWA statutory review and development of legislation										
2. Submit to EPA for review										
3. Submit to legislature										
4. Develop regulations										
5. Submit to EPA for review										
6. Promulgate rules										
7. Prepare authorization application										
8. Submit application to EPA										
C. Develop joint State/EPA permit process	1	1				.08		3,624		SHWB, EPA
D. Training						.30		13,590		SHWB
1. Update training plan (as needed)	1	1								
2. Implement staff training plan	Ongoing							(1,000)		
a. Permit Writing	2							(1,500)		
b. Personnel Protection	3							(1,000)		
c. Groundwater Monitoring	2							(1,000)		
d. Inspection Procedures	2							(500)		
e. Data Management	1							(8,590)		SHWB, EPA
3. Public education	Ongoing									
a. Small quantity										
b. HSWA										
E. Collection/Transfer Station Program										
1. Feasibility Study	1	1								
2. Pre-design	1			1						

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
F. Prepare FY87 SEA Workplan	1				1	.02		7,060		SHWB, EPA
G. Attend semi-annual regional meetings	2	1			1			2,000		SHWB
1. Spring										
2. Fall										
I. Implement State Hazardous Waste Program										
A. Compliance Inspections						2.25		101,925		SHWB, EPA
1. TSD's										
a. Groundwater monitoring facilities										
(1) CEI	9	2	2	1	4					SHWB
(2) CME (1/3)*	3	1	1		1					SHWB
b. Non-groundwater monitoring facilities										
(50% year)	1		1							SHWB, EPA
c. Record Reviews										
(1) Closure/post closure	10	1	2	5	2					SHWB
(2) Financial	10	1	2	5	2					SHWB
2. Generators (>1000 kg)/Transporters	25	8	7	2	8					SHWB
3. Non-notifiers	15	5	4	2	4					SHWB
4. Follow-up	5	2	1	2						SHWB
5. Sampling**	8	3	2	1	2					SHWB
6. Citizen complaints	As received									SHWB
7. SQG (<1000 kg)	25	10	5	2	8					SHWB
8. Federal Facilities (joint)	Included in A.1.b.									SHWB, EPA
9. State/Local (joint)	None anticipated									
B. Manifest Exception and Discrepancy Reports reviewed	As Required					.05		2,265		
C. Receive and process HW annual reports	As Required					.15		6,795		

*In addition to the CEI inspections
**Included in A.1. through A.3. and A.7.

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE	LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
D. Implement Facility Management Plans (see permitting and enforcement sections)											SHWB, EPA
1. Revise plans as necessary											
E. Permitting/Facility Management						3.53			140,430		SHWB, EPA
1. Permit application submittals	2	1	1								
2. Permit actions											
a. Review permit applications											
b. Public notice	3	1	2								
c. Prepare notice of deficiency	1			1							
d. Review notice of deficiency response	3	2			1						
e. Draft permits	3	1	2								
f. Issue final permits	3	1		1	1						SHWB, EPA
3. Solid waste management units											EPA, SHWB
a. Initial determinations											
b. PA/SI's	7	5	2								
4. Closure plan											SHWB, EPA
a. Closure plan submittals	1	1									
b. Public notices	1		1								
c. Approve modify	2	1		1							
d. Implement	4	3			1						
5. Post Closure Permit											SHWB, EPA
a. Application submittals	1			1							
b. Completeness reviews	1				1						
c. Issue permit	2	1	1								
F. Enforcement (timely and appropriate response to all noncompliance found)											SHWB, EPA
1. Significant non-complying TSOF's (SNC's)						.40			18,120		
a. Identify SNC's											EPA
b. Take appropriate enforcement action to bring into compliance											SHWB, EPA
2. Other enforcement						1.50			67,950		SHWB, EPA
a. Warning letters	Report on CMEL and summarize on quarterly reports										
b. Notices of violation											
c. Compliance orders											
d. Administrative orders	See Enforcement Agreement for items a. through h.										
e. Civil actions											
f. Criminal actions											
g. Referrals to Attorney General											
h. Referrals to EPA											

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
										EPA
G. EPA Oversight										
1. Inspections 10% or 10	10									
2. Enforcement actions	All									
3. Permit reviews										
4. Closure/post closure										
5. State program audits	2									
H. State Reporting							.20		9,060	SHWB, EPA
1. SEA reports										
2. Others (See RIP, FY87)										
I. Cooperative Agreement for HSWA requirements.										
1. Evaluate need for agreements										
2. Draft										
3. Finalize and implement										

SOLID AND HAZARDOUS WASTE MEDIA WORK PLAN

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
UNDERGROUND STORAGE TANKS										
I. Program Development	Ongoing					.5		24,208		SHWB
A. Legislation B. Regulations (notification/interim prohibition) C. Authorization application D. Continue initiatives for self funding and local cooperation										
II. UST Notification	Ongoing					1.0		48,415		SHWB
A. Data system completion B. Enter forms for late notifiers and new tanks C. Disseminate forms and locate non-notifiers										
III. Technical Assistance	Ongoing					.8		38,732		SHWB, EPA
A. Regulations (notification/interim prohibition) B. Industry and public information										
IV. Enforcement	As Required					.45		19,366		WQB, SHWB EPA
A. Interim prohibition/Cooperative Agreement B. Joint inspections C. Notification										
V. Training for staff	Ongoing					.25		12,104		SHWB
VI. Equipment										

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)										
I. Investigate sources of release and threats of possible release of hazardous substances.						1.00				SHWB, EPA
A. Quarterly 3012 Reports	4	10/30	1/30	4/30	7/30					
B. Preliminary Assessments	20									
C. Site Investigations	8									
D. Direct other FIT activities	As Needed									SHWB, EPA
E. Develop submission for National Priorities List (NPL)	2									
II. Review and make funding determinations for CERCLA actions to control releases when responsible party fails to provide proper response.	1									EPA, SWMB
III. Implement Cooperative Agreements and SCAP/ Site Management Plan commitments for remedial investigations/feasibility studies, remedial measures at specific sites. Submit quarterly reports.	4	10/30	1/30	4/30	7/30	1.00				SWMB, EPA
A. Milltown										
B. Silver Bow Creek										
C. New sites (as identified)										
IV. Provide management assistance to Federal-lead CERCLA activities.						.90				
A. Number of sites dependent on FY87 SCAP allocations										
V. Monitor enforcement/remedial activities as specified in SCAP commitments and Site Management Plans at sites where responsible parties undertake clean-up activities.						.50				EPA, SHWB

ACTIVITY/OUTPUT	OUTPUT QUANTITY	QUARTERLY MILESTONES 1	2	3	4	RESOURCES WORKYEARS STATE	LOCAL	EPA	DOLLARS STATE	EPA	RESPONSIBLE AGENCY
A. East Helena											
B. Anaconda Smelter, Anaconda											
C. Libby											
D. BN Somers											
E. New sites (as identified)*											
VI. Reporting requirements including ADP.	Monthly							.05			EPA, SHWB
VII. Coordinate CERCLA activities with other statutes (e.g., RCRA/CWA, etc.)											
VIII. Submit request to Legislature to provide State match for remedial action at fund lead Superfund sites projected to begin corrective action in FY87-88.								.02			EPA, SHWB
IX. Provide adequate training and associated out-of-state travel dollars to CERCLA staff.	As Needed									5,000	EPA

*Actual number of CERCLA actions initiated will be dependent on FY87 resource allocations.

Pesticides

Montana is primarily an agricultural state, and as such, requires the use of pesticides to help manage a multitude of pest problems. Based on data collected from commercial applicators, it is estimated that from 2.8-3 million acres are treated commercially each year. There are no accurate statistics available for farm (private) applicators, but generally the farm applicators treat smaller acreages, do spot treating and field margin treating. In most years, farm applicators would probably apply pesticides to 1.5-2 million acres.

The Environmental Management Division (EMD), of the Montana Department of Agriculture (DOA), has a responsibility to not only serve Montana agriculture, but is also mandated to protect the environment and the health of the state's citizens. Toward this end, the Environmental Management Division administers a pesticide applicator licensing, permitting and certification program and an enforcement program.

Recertification of commercial applicators and dealers has been implemented. Farm applicators certified to use restricted use pesticides are on a five year requalification cycle, with applicators in one of the five agricultural districts being recertified each year. Commercial applicators and dealers are on a four year recertification schedule. The applicator categories have been divided among the four year period, so that not all categories are due for recertification or relicensing the same year.

EMD provides pest management services to producers, industry, government agencies and the general public. These services include providing information on integrated pest management procedures for specific cropping systems, recommendations on use of pesticides, identification and surveillance of pests and the evaluation and resolution of the effects of pesticides on agriculture and the environment. The division also registers pesticide products (4,190) prior to their use in the state; licenses pesticide dealers (632), commercial and government applicators (1,163) and their employees (1,007); licenses private applicators (7,957), and regulates the use and sale of pesticides. The department's laboratory provides analytical regulatory and service analysis to other departmental programs and to the general public.

Pesticide specialists conduct dealer, applicator and marketplace inspections following the field quality assurance manual and program. Compliance with record keeping requirements and other provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Montana Pesticide Act (MPA) is monitored and documented.

The analytical laboratory follows the EPA approved quality assurance program for all enforcement samples. Non-regulatory environmental samples follow quality assurance procedures if requested by the submittor. The laboratory participates in the EPA check sample and sample check analysis procedure programs.

A pesticide ground water sampling program was started in FY 1984. Each year since then, new sample sites have been added so that by the end

of FY 1986, 42 sites in seven counties will have been sampled. Most samples were analyzed for organochlorines and/or phenoxy herbicides depending on the pesticide use data for that area. Several sample sites were specifically analyzed for aldicarb (Temik). Low levels of 2,4-D, MCPA, dicamba (Banvel) and picloram were detected at several sites. All levels of pesticides that were detected were below health guidance levels established from the published acceptable daily intake (ADI) values. Sampling of some of the positive wells will continue in FY 1987 as well as the evaluation of additional sites for potential monitoring.

Monitoring for residues and potential environmental contamination resulting from the use of Specific Exemption (Section 18, FIFRA), Special Local Need (Section; 24(c), FIFRA) and experimental use pesticides will continue in FY 1987.

The DOA's authority for registering pesticides, licensing and certifying applicators, licensing dealers and operators and for conducting inspections and carrying out enforcement actions is provided for in the Montana Pesticides Act, Section 80-8-101 through 306 MCA 1985.

The DOA proposes to continue the comprehensive cooperative enforcement program and agreement with EPA through inspections (including use/misuse, restricted and general use products, records and proper licensing), investigations, pesticide sampling, laboratory pesticide analysis, efficacy studies and enforcement actions. These activities would be continued under the quality assurance agreements made with EPA under previous grants. The DOA's pesticide specialists hold EPA credentials and have the authority to carry out the mandates of the FIFRA as well as the Montana Pesticides Act.

The DOA has been granted "primacy" under Section 26 of FIFRA, as amended. It is the intent of the department to serve as the primary agency in conducting inspections, investigations and sample collection and analysis in accordance with EPA approved procedures and to take effective action against violators. The outputs listed in the media work plan reflect those that are funded by the EPA grant. The DOA will continue to issue and monitor Section 24(c)'s, Section 18's and experimental use permits.

The DOA's Field Services Bureau and Pesticide Analytical Laboratory will continue to maintain the quality assurance program for sample handling and analysis. The laboratory will continue to provide pesticide analytical services to EPA and other states on a fee basis which will cover the cost of supplies, materials and communications.

The DOA will continue the compliance monitoring strategy for the Label Improvement Program (LIP) requirements as well as the Child Resistant Packaging (CRP) requirements which will be issued by EPA. This compliance monitoring strategy will be reflected under the Producer Establishment Inspection category.

Accomplishments in FY 1986

Enforcement

The DOA's Field Services Bureau met or exceeded six of the nine categories under its FY 1986 enforcement activities program. It has far exceeded its review of applicator use and dealer sales records. Two of the remaining three categories have not been met because of vacancies in two pesticide specialist positions in FY 1986. The remaining category, agriculture misuse cases, has not been met because of severe drought conditions. These conditions reduced crop production which resulted in a decrease in pesticide use which, in turn, resulted in a decrease in pesticide misuse cases.

The laboratory met all of its projected activities for FY 1986.

Certification

The DOA's Technical Services Bureau has met or exceeded all of the categories listed under its FY 1986 certification program. Certification credentials have been issued to at least 4000 individuals and information has been provided to industry on regulatory and certification requirements.

Objectives-Enforcement FY 1987

1) The DOA will implement, on a case-by case basis, an inspection/investigation program to insure that cancelled or suspended pesticides and restricted use pesticides are not being sold illegally or misused. Enforcement actions will be initiated for those individuals not in compliance with the state and EPA standards.

2) The DOA will continue to investigate pesticide drift problems. This will include defining drift problems in Montana, developing procedures to prevent pesticide damage to, and illegal residues in, off-target crops, ornamentals, grasses and other sites; developing procedures to prevent off-target insecticide drift which may affect human health and cause illegal residues in the environment, and developing sampling techniques and procedures for the collection and analysis of environmental samples affected by drift.

3) The DOA will implement an inspection program for the estimated 250 new applicators in the wood preservative category. Initial inspections will be conducted on all new applicators to determine compliance and actual number of treatment sites. Priorities will then be established and proper enforcement strategies will be developed for FY 1987 and future years.

4) The DOA will continue, in cooperation with the DHES, an educational compliance and enforcement program on disposal of pesticides and pesticide containers in accordance with FIFRA, the Montana Pesticide Act, the Resource Conservation and Recovery Act and rules adopted thereunder. Most efforts will likely be directed at the small quantity generators.

5) The DOA will continue the program of monitoring ground water and other related environmental areas. Monitoring of ground water in selected areas will continue to determine the degree and amount of pesticide contamination. Monitoring pesticides in soil, crops, domestic animals and wildlife will provide baseline data on an as needed basis.

6) The DOA does not anticipate any major spray programs in Montana during FY 1987. However, should one occur, the Department will monitor it and institute any necessary enforcement actions.

7) The exposure of Montana farm workers and applicator employees to pesticides before, during or after application appears to be of some concern in Montana. Use inspections of pesticide mixing, loading, and application sites and treated fields in which workers may be exposed will continue to determine if label safety requirements are being met. Through training and recertification programs DOA and the Extension Service will cover safety in loading, handling, mixing and applying pesticides. DOA will determine, in cooperation with the EPA, the proper enforcement of safety statements on pesticide labels. This will determine the future DOA enforcement strategy in this area.

The evaluation and establishment of priorities of the enforcement program will be conducted through a computer training system to be developed and implemented in FY 1987. This system will contain information on all enforcement cases. The system will show trends within one year or over several years.

Objectives-Certification

1) The certification program is a federally mandated program which requires pesticide applicators using restricted-use pesticides to comply with state and federal certification standards. The Montana Certification Plan was approved by EPA and has been in effect since 1976. Recent legislative changes require that the State Plan be revised and updated to conform with the intent of the Montana Pesticides Act. The process of revision has started and an amended plan should be approved early in FY 1987.

Most of the commercial and government applicators requiring certification have been certified, but the strategy will be to conduct at least one general certification course (20 hours) for new applicators who wish to be certified. Approximately 90 percent of the farm applicators desiring certification have been certified. The strategy will be to conduct certification training for farmers in those counties where the need is expressed.

The strategy will be to maintain the data processing system for the storage of qualification data for dealers and applicators and for the issuance of certification credentials to qualified applicators as well as to newly certified individuals entering the system.

The evaluation of applicator training has been completed and a new agreement has been made with Cooperative Extension Service (CES). DOA is responsible for certification and training of commercial and

government applicators. CES provides the certification training for farm applicators.

2) EPA has restricted wood treatment products which will require all persons using, purchasing, or selling these products to be certified by November 1, 1986. The DOA will implement a certification and training program for all new wood preservative applicators. It is estimated that 250 individuals will require commercial certification.

Recertification strategies will be to provide recertification for the following applicator categories: Agriculture Plant Pest; Agriculture Animal Pest; Mosquito Abatement; Seed Treatment; and Industrial Institutional, Structural and Health Related. All dealers will also be provided with a recertification opportunity. Additionally, the farm applicators in Agricultural District IV will receive recertification training specific to their needs (crops, cropping systems and pest complexes present in these counties). The 1985 Legislature passed a bill amending the Montana Pesticides Act which requires that farm applicators attend six hours of recertification training during the five year recertification period.

3) Estimations for certification and training for FY 1987

	Private	Commercial
Certified sessions to be conducted (includes formal exam sessions)	50	30
Applicators to be examined (examinations given to applicators)	700	795
Number to be certified	700	660
Number to be recertified	2500	400
Number of training sessions monitored	35	15

Number of training sessions - departmental - 12
extension - 50
other - 8

The evaluation of certification and training will continue to be monitored through the present computer system

The agreement between DOA and EPA has many benefits. The primary benefit is that this agreement reduces the total expenditure of federal and state money because manpower, operations and capital expenditures are not duplicated. DOA's pesticide specialists are certified as both state and EPA inspectors. This arrangement establishes a consistency in approach and objectives for the public. Because of this consistency, applicators and dealers are more cooperative and give better compliance. By having this agreement with EPA, communication is established between the states and EPA and it provides a better definition of national and state pesticide issues and problems.

The specific activities and accomplishment commitments can be found in the Pesticides Media Work Plan.

Contact Persons:

Environmental Management Division, DOA (444-2944)

Gary Gingery - Administrator
Laszlo Torma - Laboratory Bureau Chief
Dick Blodnick - Field Services Bureau Chief
George Algard - Technical Services Bureau Chief

EPA Montana Office (449-5486)

Dean Chaussee, Pesticides Coordinator

PESTICIDE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
	Date of Completion		STATE	EPA	STATE	EPA	
ENFORCEMENT PROGRAM							
Agricultural Use Inspections	15	40	.44		3,785	8,791	DOA
Agricultural Follow-up Inspections		10	.11		946	2,198	DOA
Non-agricultural Use Inspections	6	12	.13		1,118	2,597	DOA
Non-agricultural Follow-up Inspections		6	.07		602	1,399	DOA
Experimental Use Inspections		2	.02		172	399	DOA
Producer Establishment Inspections		2	.02		172	399	DOA
Marketplace Inspections	25	40	.33		2,839	6,593	DOA
Certified Applicator Records Inspections		40	.11		946	2,198	DOA
Restricted Use Sales--Pesticide Dealers Inspections		40	.11		946	2,198	DOA
Samples taken in the field	57	149	.41		3,528	8,192	DOA
Formulation Samples	5	34	.21		1,808	17,690	DOA
Residue Samples	42	85	.52		4,475	43,805	DOA
Quality Control Samples	10	30	.18		1,550	15,161	DOA
EPA Pesticide Samples	45	90	.55		4,733	46,331	DOA
CERTIFICATION PROGRAM							
Issue Certification Credentials		4,000	1.40		14,765	14,765	DOA
Monitor Certification Program		Semi-Annual	.25		2,635	2,635	DOA
EPA OVERSIGHT (Includes technical assistance, mid-year and annual evaluation, grant support, Section 18 and 24(c) support, etc.)				.50			EPA
REPORTS							
Submit Summaries of Enforcement and Certification Data	Quarterly	Quarterly	.05		430	999	DOA

CATEGORICAL

Toxics

Asbestos

EPA regulations requiring public and private elementary and secondary schools in the United States to identify friable asbestos became effective June 28, 1982. Included in the regulations are requirements to identify friable asbestos in building materials, maintain records, notify employees of the location of materials containing asbestos, provide employees with instructions on reducing exposures and notifying parent-teacher associations of inspection results.

EPA's Montana Office will coordinate with the DHES and Montana Office of Public Instruction to assist local education agencies in complying by providing information and technical assistance. School administrators will be informed of the mandatory program and will be provided assistance as needed.

The program for inspecting schools for compliance with requirements will be continued during FY 1987.

Polychlorinated Biphenyl (PCB)

In a regulation effective August 15, 1985, EPA required that all PCB transformers be registered with local fire departments by December 1, 1985. As a result, inspection of PCB transformers in commercial buildings must now be undertaken. Five or more such inspections will be conducted in FY 1987, in connection with the usual inspections of industrial and other users of PCBs.

During FY 1986 more than 25 inspections of facilities using PCB's were performed.

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
	Date of Completion		STATE	EPA	STATE	EPA	
TOXIC SUBSTANCES*							
I. Protect health and well being of school children attending schools that contain friable asbestos-containing materials.				.25			
A. Provide assistance and technical advice to school district administrators in complying with the asbestos rule.							EPA
B. Inspect school districts for compliance with asbestos program requirements. Carry out necessary follow-up action.	11	22					EPA
II. Ensure mutual information exchange regarding significant toxics activities.				.05			EPA
A. Provide quarterly list of inspections performed.		2	4				EPA
B. Notify State of cases filed by EPA within 4 days of the action.							EPA
C. Consult with State on methods of dealing with PCB users both from a consulting and an enforcement viewpoint.							EPA
III. Report within thirty (30) days incidents involving chemical contamination.							DHES, DOA EPA
IV. Implement PCB work plan.				.30			EPA
A. Inspect facilities which store or use PCB-containing materials.	11	22					
B. Prepare any technical documentation in support of enforcement actions for violations found during inspections within forty-five (45) days.							EPA
V. Implement Section 13 Imports Compliance inspection program.	To Be Further Defined by Region			.10			

*Final commitments will be adjusted upward or downward from those indicated above depending on the actual level of resources allocated to the Montana Office in FY86.

Quality Assurance

Quality Assurance is a requirement of all programs.

A description of the work plan follows.

QUALITY ASSURANCE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
			STATE	EPA	STATE	EPA	
	Date of Completion						
I. PESTICIDES	Semi-Annual Review	EOY Review	.30	.10			
A. Evaluate State's QA plans and activities associated with the Pesticide Enforcement Grant; provide audit samples.							EPA
B. Operate the State's Pesticide QA Program.							MDA
C. Participate in systems audit.							MDA
D. Submit QA plan for FIFRA monitoring program during the grant application process.		Grant Approval					MDA
II. HAZARDOUS WASTE	Semi-Annual Review	EOY Review	.30	.10			
A. Continue to develop and improve the State's Hazardous Waste Program.							SHWB
B. Evaluate State's QA plans and activities associated within the Hazardous Waste Program; provide audit samples (as available).							EPA
C. Submit QA Plan during grant application process.							SHWB
D. Implement the State's QA Program.							SHWB
III. WATER PROGRAMS	Semi-Annual Review	EOY Review					
A. Ambient Water Monitoring			.50	.10			
1. Evaluate State's water monitoring QA program.							EPA, QAO
2. Operate State's QA program.							WQB
3. Submit State's QA plans for water monitoring/NPDES for review during grant application.							WQB
4. Review/approve QA plan.		30 Days from Receipt					EPA

ACTIVITY/OUTPUT	MILESTONE THROUGH MIOYEAR	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
	Date of Completion						
B. Safe Drinking Water Act	Semi-Annual Review	EOY Review	1.00	.10			
1. Evaluate and certify State Principal Laboratory(s).		6/30/87					EPA, QAO
2. Administer SDA Certification Program.							WQB
3. Evaluate and audit local certified laboratories.							WQB
4. Submit States SDWA QA plans for review during grant application.							WQB
5. Review SDWA QA plan.		30 Days from Receipt					EPA, QAO
C. Provide reference samples for water laboratories upon request.	Semi-Annual Review	EOY Review					EPA, CI
IV. AIR	Semi-Annual Review	EOY Review	1.00	.20			
A. Ambient: Continuing implementation of 40 CFR Part 58 Ambient Air Monitoring Quality Assurance Regulations.							AQB
B. Source: Continuing implementation of QA requirements for 40 CFR Parts 52 and 60, regarding stack testing and continuous emission monitoring for SIP and NSPS sources.							AQB, EPA
C. Submit QA plan for special purpose monitoring not part of monitoring program described in annual network review and covered by current SLAMS QA plan.							AQB
D. Provide assistance upon request.							EPA, RTP
V. ALL MEDIA		Semi-Annual Review	EOY Review				
A. Review State Quality Assurance (QA) documentation annually.							EPA, QAO
B. Support State's QA activities and provide assistance as necessary.							EPA, QAO
C. Submit annual QA Report.							MOA, DHES
D. Participate in systems audit as requested.							MOA, DHES

QUALITY ASSURANCE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	DOLLARS STATE	DOLLARS EPA	
	Date of Completion						
E. Successfully analyze performance evaluation samples as directed.							MDA, DHES
F. Implement the QA Program.							MDA, DHES
G. Redraft of unapproved plans are due 30 days after comments were given.							MDA, DHES

National Environmental Policy Act (NEPA)

The highest priority activity under NEPA is review of USFS management plans and environmental impact statements. These plans identify long-range management alternatives and will therefore determine environmental protection for much of the remaining pristine areas in Montana.

Other activities reviewed under NEPA include:

- BLM project proposals,
- Bonneville Power Administration (BPA) transmission lines,
- USFS seismic projects,
- Municipal waste treatment grant projects and
- Federal Energy Regulatory Commission activities.

Public Participation

The comments of interested persons, lawmakers, State, Federal and local health and/or environmentally-related agencies and appropriate citizen advisory groups were sought through the drafting and distribution of this agreement.

New phases of programs and developments were presented to interested persons and agencies via news media releases, newsletter articles, TV and radio media.

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE THROUGH MIDYEAR Date of Completion	MILESTONE THROUGH END OF YEAR	RESOURCES WORKYEARS STATE	RESOURCES WORKYEARS EPA	RESOURCES DOLLARS STATE	RESOURCES DOLLARS EPA	RESPONSIBLE AGENCY
I. Emergency Response							
A. Immediate removal action in response to releases or substantial threats of releases of hazardous substances.	Quarterly Review	Quarterly Review	.10	.20			
1. Upon request by the State provide Federal on-scene coordinator (OSC) to monitor responsible party action for all severe releases requiring immediate removal.							EPA
2. Upon request by the State provide funding (if available) and OSC for immediate removal of releases when responsible party fails to provide proper response.							EPA
3. Carry out all State responsibilities under the State Environmental Emergency Response Plan and provide State OSC to monitor responsible party action for releases where Federal OSC not required.							State
B. Response to oil spills entering or threatening surface waters.	Quarterly Review	Quarterly Review	.20	.20			
1. Provide funding (if available) and direct cleanup of all spills when responsible party fails to properly respond.							EPA, State
2. Provide OSC for all major and selected medium spills to monitor response by responsible party.							EPA, State
3. Provide OSC for selected medium and all minor (when necessary) spills and carry out responsibilities under State Contingency Plans.							State
C. Contingency Planning.			.10	.10			
1. Update Region VIII Oil and Hazardous Substances Pollution Contingency Plan.		6/87					EPA
2. Update State Environmental Emergency Response Plan.	Semi-Annual Review	Review EOY					State
D. Training of State and Local Emergency Response Personnel.			.03				
1. Ensure adequate safety training provided to State personnel responding to hazardous material emergencies.	Within 90 days of hire, refresher training annually						WQB

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
	Date of Completion		STATE	EPA	STATE	EPA	
E. Support State Preparedness Planning.							
1. Preparedness training	1 9/30/86			.10			EPA
2. Provide technical preparedness support	Ongoing			.10			EPA
II. Indian Air Program Technical Assistance							
Assist five tribes with the air monitoring, meeting monthly between State and EPA to review activities and progress.	6 meetings	12 meetings	1.0	.10	0	55,000	EPA, AQB
III. Indian Pesticides Program							
Assist Northern Cheyenne Tribe to implement enforcement program.				.10	TRIBE 2,925	16,575	EPA
IV. Flathead Basin Commission							
Serve as EPA representative on Flathead Basin Committee.	4 meetings per year			.05			EPA
V. Federal Agency EIS Review				.90			EPA
A. Review Federal agencies (BLM, FS, BPA, USGS, OSM) submissions.	Complete Review on Schedule	EOY Review					EPA
B. Interact with various Federal agencies to gain environmentally acceptable projects.	Semi-Annual Review	EOY Review					EPA
1. Pre-EIS consultation/EIS review of Forest Service Management Plans.							
2. Pre-EIS consultation/EIS review of BLM grazing plans, energy area land use plans, and other land use plans.							
3. Pre-EIS consultation/EIS review of highway plans, airport plans, etc.							
4. Pre-EIS consultation/EIS review of water development projects.							

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES				RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS		DOLLARS		
	Date of Completion		STATE	EPA	STATE	EPA	
VI. Public Participation			1.20	.96			
A. Maintain mailing list of persons and organizations who have expressed an interest in or may be affected by any environmental issue or program.	Review Semi-Annual	Review EOY					DHES, DOA EPA
B. Provide copies of draft and final SEA to each state, public and college library.	5/86 7/86						EPA
C. Provide draft and final Agreement to interested public.	5/86 7/86						EPA
D. Provide summary of comments to public who responded to requests for comments.	7/86						EPA
E. Collect news articles about pertinent programs to determine public opinion.	Weekly to OEA	Weekly to OEA					DHES, DOA EPA

Cabin Creek International Joint Commission

Flathead Lake, Glacier National Park, the wild and scenic Flathead rivers and a great expanse of mountains, forests and highly productive agricultural valleys are located in the Flathead Basin area in Montana. The Flathead Basin is also the site of accelerating timber harvest, oil and gas exploration and possibly coal mine development on the Canadian side of the North Fork Flathead River.

The North Fork drains southward out of Canada, forms the western boundary of Glacier Park, and finally after meeting the Middle and South forks, empties into Flathead Lake. These rivers are all classed under the Wild and Scenic Rivers Act and are important fisheries and recreational resources.

A Canadian firm, Sage Creek Coal, proposed to construct and operate a very large open pit coal mine five miles north of the International Boundary on one of the North Fork's major tributaries. Sage Creek Coal filed its Stage II application on this project in 1982. Stage II is an "approval in principle" to undertake the proposal. The British Columbia government agreed to allow EPA and the State of Montana to review the Stage II documents.

Over 100 pages of comments were sent to the British Columbia government under Governor Schwinden's signature. EPA Region VIII's concerns were incorporated into the review prepared by the U.S. Department of Interior. EPA and the State were, and remain, concerned with water quality, visibility, wildlife endangerment, and reclamation issues.

The British Columbia government approved the Stage II application in the Spring of 1984. Sage Creek Coal has five years from this approval date to gain Stage III approval, receipt of the individual operating permits. If these permits are not received within that time frame, the entire process essentially starts over. Present economic conditions are such that Sage Creek Coal has not actively pursued these permits.

In February 1985, the International Joint Commission (IJC) agreed to accept a reference from the United States and Canadian governments.

The State of Montana and EPA are actively involved in the Study Board evaluation. The evaluation is scheduled to be completed by December 31, 1986.

MONTANA FY 87 PROGRAM PLANNING TARGETS *

	Last Quarter Federal	Oct-June Federal	State FY 87	Total SFY 87
Air Pollution Control (Section 105)	142,750	428,250	315,600	886,600
Air Indian Technical Assistance	7,000[a]	48,000[a]	-0-	55,000[a]
Water Pollution Control (Section 106)	87,755	244,905	85,386	421,327
Groundwater	25,000	60,000[b]	-0-	85,000[b]
Water Quality Management (Section 205(j))	100,000	-0-	-0-	100,000
Construction Grants (Section 205(g))	439,663 (85)	-0-	-0-	439,663
Drinking Water				
Public Water System Supervision (Section 1443(a))	94,450	238,500	110,983	443,933
Underground Injection Control (Section 1443(b))	-0-	123,900	-0-	123,900
RCRA (Section 3011)				
Hazardous Waste Management (Base)	73,467	215,250	96,239	384,956
Hazardous Waste (Authorization Bonus)		27,200	9,067	36,267
RCRA (Section 2007(f) (2))				
Underground Storage Tank	31,250[c]	75,000[d]	1,645[c] 8,333[d]	116,228
FIFRA				
Pesticide Enforcement (Sec. 23(a)(1))	44,200	85,275	32,369	161,844
Pesticide Applicator Certification and Training (Section 23(a)(2))	17,800	-0-	17,800	35,600

CERCLA - Superfund **	Federal Funding To Date	State Funding To Date	Total Funding
Milltown (7/83 to 12/86)	1,091,085	35,131	1,126,216
Silver Bow (10/83 to 10/86)	2,119,996	526	2,120,522
Multi-Site (4/85 to 9/86)	81,897		81,897

*Based on President's Budget submission. Additional FY 86 and FY 87 funds are dependent on future Congressional actions.

**Total program funding to date. 100% Federal unless privately-owned site then 10% State match required for remedial implementation costs

[a] Separate funding for tribal assistance passed through 105 grant

[b] Special groundwater and reallocated monitoring funding passed through 106 grant

[c&d] UST first year required match is 5% and 10% the second year

COOPERATIVE ENFORCEMENT AGREEMENTS

Achieving and maintaining a high level of compliance with environmental laws and regulations is one of the most important goals of Federal and State environmental agencies, and is an essential prerequisite to realizing the benefits of our regulatory programs. While State and local governments have primary responsibility for compliance and enforcement actions within the State, EPA retains responsibility for ensuring fair and effective enforcement of Federal requirements, and credible national deterrence to non-compliance. An effective State/Federal partnership is critical to accomplishing these goals, particularly given limited State and Federal resources.

The inclusion of the enforcement agreements as appendages cover all aspects of the State's and EPA's compliance and enforcement programs including those activities involving Federal facilities within Montana. These agreements do not duplicate national program guidance. National policy will apply where not clearly specified elsewhere.

Appendix A

COOPERATIVE ENFORCEMENT AGREEMENT

Between

U. S. ENVIRONMENTAL PROTECTION AGENCY

and

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

National Pollutant Discharge Elimination System

PURPOSE: To provide an updated description of the cooperative procedures used in Montana to assure an effective State/EPA partnership in enforcement.

SCOPE: This Memorandum of Agreement describes routine State/EPA consultation and coordination procedures for enforcement activities in the water pollution control program. It also describes how EPA oversight of the Montana MPDES program is carried out.

BACKGROUND: Since 1974 the State of Montana has operated a comprehensive wastewater discharge permit program (MPDES) as delegated under the Federal Water Pollution Control Act (Clean Water Act). The program has evolved over the years into an effective, professional organization with experienced personnel in the areas of permitting, compliance monitoring, and enforcement. Since the beginning of the program there has been continuous co-habitation of State and EPA staff in order to carry out joint responsibilities under the State and Federal Water Pollution Control Acts.

In order to update and better define the current procedures that are followed by State and Montana EPA Office staff in carrying out their respective compliance and enforcement responsibilities, the following enforcement program description has been developed.

REPORTING: The State reviews all compliance information for all permittees and prepares and submits to EPA the Quarterly Noncompliance Report (QNCR). This document serves as the basic mechanism for tracking and coordinating compliance activities involving major permittees. Supplementary compliance information from P. L. 92-500 minor permittees is also summarized and submitted to EPA on a semi-annual basis.

COORDINATION: There is continuous daily interaction on all major permit and compliance issues by State and EPA staff which is made possible by cohabitation of staff. On at least a monthly basis a joint meeting is held to review the status of all violations by all permittees. Participants are the State permits and compliance staff and the Montana EPA Office permits and compliance engineer.

Prior to the meeting, the State develops a summary of all violations and any supplementary information. During the meeting, the most recent QNCR is reviewed to determine if any permittee on the QNCR has continuing violations. A written record is maintained to document all State and/or EPA actions taken with regard to all violations, significant or not. A full range of enforcement actions may be taken, including joint issuance of Notices of Violations (NOVs).

At the first monthly meeting following submittal of the QNCR, the State and EPA discuss any EPA comments on the State's preceeding QNCR. EPA's comments may include: the permittee in question, the State action in question, the recommended action to be taken by the State and/or EPA, and the State's average response time and average compliance rate.

The common goal of the State and EPA is to cause permittees to achieve prompt and sustained compliance. If full agreement on appropriate State and/or EPA actions cannot be reached, the discussion will be escalated to the next administrative level by both parties.

POLICY:

The following enforcement response guidelines define the basic implementation criteria for the Montana Cooperative Enforcement Management Program:

1. The State and EPA will continue to evaluate all instances of noncompliance within 30 days from the identification of a violation to determine and document appropriate enforcement response,

2. As has been established practice, prior to the appearance of any permittee on the QNCR, an appropriate enforcement response will be taken by the State, and

3. Prior to a permittee appearing on the subsequent QNRC for the same violation, the permittee will either have returned to compliance or a formal enforcement action will be initiated by the State. Formal enforcement actions will be defined as those which (a) clearly define the violation(s) identified, (b) require corrective actions by a specified date certain, and (c) describe enforcement consequences should the violations not be corrected as required.

Appendix B

COOPERATIVE ENFORCEMENT AGREEMENT

Between

U.S. ENVIRONMENTAL PROTECTION AGENCY

and

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Public Water System Supervision Program

The following document is an integral part of the Montana-EPA Agreement.

I. PURPOSE

The purpose of this agreement is to detail the Montana Department of Health and Environmental Sciences (MDHES) and EPA activities which will be conducted to increase the compliance levels of public water systems to achieve State and Federal Drinking Water goals.

II. COMPLIANCE PRIORITIES AND STRATEGIES

A. Federal Reporting Data System (FRDS)

This national data base serves as a storage system for the inventory and violation information on all of the regulated public water systems (PWS). It also is the basis for the Public Water System Supervision Program grant allocations. The State agrees to provide inventory, violation and enforcement updates to this system within 60 days of the end of each quarter.

B. Federal and State Priorities

1. Region VIII priorities for the Drinking Water program are outlined in the FY 86-87 "Water Program Guidance for State/EPA Agreements" which was distributed to the MDHES in June 1985. The major priorities outlined in this document include increased compliance, formal enforcement, data verification, quarterly reporting, non-community systems and volatile organic chemicals.

2. One of the MDHES's highest priorities is to eliminate, or provide treatment for, surface water sources with no treatment or with disinfection as the only treatment.

C. Compliance Strategy

The Drinking Water Section is implementing the Compliance Strategy that was submitted to EPA during FY 86.

D. Inspection/Sanitary Survey Policy

The Drinking Water Section currently uses the following priorities to determine when water systems will be inspected.

1. Priority I (Inspected ASAP)

   a. Systems suspected of water-borne disease outbreaks.

   b. Systems which may, for any reason, endanger public health.

2. Priority II (Inspected annually)

   a. All surface water supplies.

   b. All supplies that are persistent violators of the bacteriological or chlorine residual monitoring requirements.

   c. All supplies with known problems (operational, MCL, monitoring, system integrity, etc.).

   d. All systems on a compliance schedule.

3. Priority III (Inspected once every three years)

Ground water supplies with no known significant problems or deficiencies.

The number of sanitary surveys/inspections performed will be reported to EPA quarterly.

E. Compliance Targets

The FY 87 target is based upon improving significant non-compliance (SNC) violators. The tentative national definition of SNC is:

1. Four or more months of MCL violations for any of these contaminents: microbiological, turbidity or trihalomethane.

2. Less than four months microbiological, turbidity or total trihalomethane MCL violations, but a total of 12 months of MCL plus monitoring violations for any of the three contaminants.

Based upon this tentative definition, the maximum number of SNC's during FY 87 is eleven. This is a ten percent reduction from FY 86.

III. COMPLIANCE MONITORING

A. State Data System

The Drinking Water Section currently utilizes a combination of methods to receive and record data, determine violations, track compliance and initiate follow-up. The following describes the method used for each of the required groups of parameters that are monitored:

1. Bacteriological - All laboratories send the results of analyses directly to the Drinking Water Section. Individual results are entered into a computerized data system. Monitoring violations are determined monthly, utilizing the computerized data and the program written for this purpose. Missing data initiates follow-up action in the form of routine letters of violation being sent to the violating water system. Any result with a positive coliform count receives immediate attention from the staff until the problem is resolved.

2. Turbidity - Water systems send the results of daily monitoring each month (on forms provided to them) to the Drinking Water Section. The monthly average and the fact that they have monitored are transposed to a summary sheet. The results of this are scanned monthly and routine letters sent out as needed.

3. Inorganic and Organic Chemicals and Radionuclides - Analyses are entered into a computerized system. Samples are collected by the MDHES as needed during a routine inspection of the water system. Since all existing water systems have been routinely monitored at least twice, all existing violations have been identified. New water systems are required to have an analysis done before they are allowed to begin operation.

B. Certified Lab Program

To insure that the sample results received by the Drinking Water Section accurately reflect the actual quality of the water systems, all samples are required to be analyzed in a MDHES certified laboratory. The MDHES's lab certification program received EPA approval on March 28, 1978. The Drinking Water Section's Quality Assurance policies have also received EPA approval.

IV. NON-COMPLIANCE RESPONSE

A. Compliance Strategy

The MDHES's "Compliance Strategy" (see Section II Compliance Priorities and Strategies) establishes the basis and procedures for all routine non-compliance decisions concerning follow-up and enforcement.

B. Significant Non-Compliance (SNC) Violators

It is important that SNC violators be acted upon in a timely manner. The Drinking Water Seciton will than have all SNC violators returned to compliance, or have an enforceable compliance schedule with the SNC violator, or have submitted information to the Legal Division requesting that a formal enforcement action be taken against the SNC violator within two quarters on the time that the violator first appears on the SNC list.

C. Enforcement Actions

The MDHES currently tracks all drinking water enforcement actions. The Drinking Water Section will report these quarterly for entry into FRDS. It is important that enforcement actions be taken in a "timely and appropriate" manner.

D. Enforcement Action Targets

The FY 87 target for legal enforcement action against persistent or SNC microbiological and turbidity MCL and monitoring violators is 10 civil cases referred to the Legal Division of MDHES.

E. EPA Enforcement Involvement

EPA involvement in formal enforcement cases will follow the guidance put forth in a memo dated April 10, 1984 from Victor Kimm, Director, Office of Drinking Water to Louise D. Jacobs, Associate Enforcement Counsel for Water. The memo is entitled "Draft Enforcement Guidance Regarding Public Water systems in States Which Have Primary Enforcement Responsibility."

EPA will become involved when invited by the MDHES under Section 1414(b)(2) of the Safe Drinking Water Act or when the MDHES is ineffective in applying their compliance strategy within a reasonable amount of time. EPA will not take a unilateral enforcement action within Montana, without first giving proper notification to MDHES.

Appendix C

COOPERATIVE ENFORCEMENT AGREEMENT

Between

U. S. ENVIRONMENTAL PROTECTION AGENCY

and

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Air Program

I. Scope

A. The purpose of this agreement is to delineate and clarify the responsibilities of the EPA and the Montana Department of Health and Environmental Sciences (MDHES) in the implementation of all federally enforceable air pollution control requirements for stationary sources within Montana. It is expected that a Federal-State partnership will result which will effectively carry out the intent of the Clean Air Act. It is anticipated the protocol will be modified and expanded in future years to reflect changes in state and national policies.

It is assumed the MDHES will address violations of air pollution regulations within its jurisdiction. It is not intended that focusing on a limited group of violators for purposes of this protocol will detract from the importance of addressing other violators and the rights and responsibilities of the MDHES or EPA to do so.

B. 1. This protocol applies to the following types of violations:

a. Class A SIP sources which are in or adjacent to a nonattainment area and which violate a standard limiting emissions of pollutant for which the area is nonattainment;

b. Class A sources in violation of an NSPS, PDS, nonattainment, or permit requirement;

c. Class A sources that are repeat violators;

d. Class A sources violating an MDHES or EPA Consent Order; and

e. Class A sources in violation of an MDHES or EPA enforcement order.

2. This protocol does not apply to emergency episodes, sources constructing without a valid permit, NESHAP's violations, or violations of Montana standards which are not federally enforceable (e.g., fluoride-in-forage, hydrogen sulfide, etc.). In the case of emergency episodes of NESHAP's violations, the

seriousness of the violations will require expedited action. In the case of a source constructing without a permit, options for obtaining relief may be foreclosed by allowing the source to continue to construct and, therefore, expedited action may be essential.

II. Timelines for Enforcement Action

A. Enforcement action schedules begin 30 days after the date of the inspection or receipt of a source self-monitoring report which first identifies the violation. This should provide sufficient time for an evaluation of the inspection or source report to determine if a violation exists. If, however, during this 30-day period, the MDHES determines that a stack test or a sample analysis is required to confirm the violation, the enforcement action schedule (clock) does not start until the date or receipt of the stack test or sample analysis report.

B. By day 45, the source should be notified by the MDHES of the violation and its need to remedy the violation. Notification shall be in written form. The source may also be advised by phone of the forthcoming notification or action.

C. By day 120, the source shall either be:

1. in compliance;

2. on an enforceable MDHES administrative or judicial order;

3. on a scheduled appeal of an MDHES administrative order to the Board of Health & Environmental Sciences; or

4. subject to a proposed SIP revision which has been scheduled for a hearing and which Region VIII Montana Office staff believes is likely to be approved.

Failure by MDHES to also seek a civil or criminal penalty in accordance with Section IV of this protocol may result in a separate or joint action by EPA.

D. MDHES will monitor conformance with any "schedule of compliance" issued in accordance with this protocol. MDHES will keep EPA informed of the violator's progress toward compliance according to established reporting requirements. If a SIP revision is initiated, EPA will monitor the progress of the revision through Montana's administrative process. If a SIP revision becomes unduly delayed, EPA will discuss this with the MDHES and may choose to initiate a parallel federal action. No formal timelines are established for this stage of the enforcement process.

E. If none of the actions specified in C. above have occurred by day 120, EPA will discuss with the MDHES the status of its actions and its expectations. If discussions suggest that Montana is near a resolution of the violation or that further deferral is otherwise appropriate, EPA will defer any action. If EPA determines that further deferral is not justified, it will proceed with its own action.

F. When EPA takes the lead in a case, it will act to get the source in compliance, on a schedule, or subject to Section 120 action or judicial referral within 120 days of its assumption of the lead. MDHES participation in the action will be encouraged, even though the lead has been assumed by EPA. The possibility of a joint action will be considered as an alternative to a unilateral EPA action where feasible.

III. Issuance of NOV's by EPA

A. At day 90, EPA, after consultation with MDHES on the progress of the case to date, may take one of the following actions as circumstances dictate:

1. initiate case development activities through an inspection or issuance of a Section 114 letter;

2. advise the source that EPA will issue an NOV in 30 days if the source does not reach an acceptable resolution with the MDHES before that date. (This will be used only where such an action by EPA is likely to be of significant value in prompting the source to reach an acceptable agreement with the MDHES); or

3. issue an NOV, if requested to by the MDHES, or if it is clear that a resolution will not be reached by the state by day 120 and that the environmental significance of the source warrants EPA action.

B. EPA will routinely issue NOV's on (or shortly thereafter) day 120 if the violations are not resolved according to II.C. of this protocol. (NSPS sources will receive Section 113 Orders rather than NOV's.)

C. Any NOV issued on day 120 will be issued only after consultation with the MDHES. If there is some compelling reason why the NOV should not be issued, EPA will defer its issuance. However, this is not anticipated to occur in most cases.

D. Any NOV issued by EPA in accordance with A.3 or B. above will indicate that EPA is still looking to the MDHES to resolve the matter and further EPA action will be required only in the absence of an acceptable, prompt resolution.

E. If EPA finds a violation independent of the MDHES, EPA may immediately issue an NOV. (Does not apply if violations were discovered in a joint inspection.) However, prior to a decision to issue an NOV, EPA will discuss with Montana the circumstances of the violation. EPA will resolve in consultation with the MDHES who will take the lead for the source and the nature and timing of follow-up action.

F. EPA will transmit to the MDHES copies of all NOV's it issues to sources in Montana. If the violation clearly impacts upon the air quality of an adjacent state, EPA will transmit a copy of the NOV to that state as well.

IV. Penalties

A cash penalty of sufficient magnitude appropriate to the violation is required as an element of the resolution of the following classes of violations. If the penalty is not obtained by the MDHES, an EPA action will be brought. Also, if MDHES chooses to obtain a compliance schedule but not a penalty, a separate EPA action may be appropriate.

The classes of violations subject to this protocol for which a significant cash penalty are required are:

A. Class A SIP sources which are in or adjacent to a nonattainment area and which violate a standard limiting emissions of a pollutant for which the area is nonattainment unless it can be established that the source does not contribute to a violation of a National Ambient Air Quality Standard.

B. Class A violators of nonattainment, PSD, or NSPS requirements which continue to operate after failure to demonstrate initial compliance. (This does not apply during periods which regulations specifically allow for start-up, debugging, etc.); or

C. Violators which Montana or EPA determines are repeat violators.

V. Consultation and Data Transfer

A. EPA and the MDHES will conduct at least monthly consultations to discuss compliance efforts. During these discussions, information exchange relative to obtaining compliance and penalties will occur. This exchange will include at least the following items:

1. The MDHES will identify any newly-found violators subject to this protocol.

2. The MDHES will identify sources notified of noncompliance during the month consistent with Section II.B.

3. The MDHES will identify violators which the State has taken action against consistent with Section II.C., including penalties as noted in Section IV.

4. The MDHES will discuss the status of other pending enforcement actions as appropriate.

5. EPA will identify sources for which it has completed action and provide the status of other sources where action is pending or in progress.

6. EPA will identify any sources it found in violation and confer with the MDHES in accordance with Section III.D.

B. The CDS will be updated by EPA on a monthly basis, based on information provided by the MDHES, to reflect:

1. Compliance status changes for newly-identified violators which are in violation on the last day of the month prior to the consultation and which were or are expected to be in that status for 7 days or more;

2. Sources notified of noncompliance;

3. Sources with completed enforcement actions, including any schedules and incremental dates for returning them to compliance; and

4. Sources found to be in compliance with final limits.

C. Inspection results other than those affected by the above will be provided in accordance with current practices and EPA accountability system requirements.

D. EPA and Montana will share inspection results and monitoring reports for use in enforcement proceedings to the extent practicable.

Appendix D

COOPERATIVE ENFORCEMENT AGREEMENT

Between

U. S. ENVIRONMENTAL PROTECTION AGENCY

and

STATE OF MONTANA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Hazardous Waste Program

I. INTRODUCTION/POLICY STATEMENT

This agreement defines the relationship between the Montana Department of Health and Environmental Sciences (MDHES) and the U. S. Environmental Protection Agency (EPA) Region VIII in the enforcement of hazardous waste requirements. Effective July 1, 1986, this agreement replaces the current Enforcement Action Section (VIII) of the Montana Hazardous Waste Management Memorandum of Agreement. As significant new policies are introduced, there is flexibility to modify MDHES's enforcement operations prior to the routine updating of this agreement that may occur each fiscal year.

The goal of the Resource Conservation and Recovery Act (RCRA) is to protect human health and the environment. The EPA expects to meet this goal by achieving and maintaining a high level of compliance within the regulated community. To do so requires the establishment of a credible enforcement presence by the States and EPA.

The State of Montana has primary responsibility for the enforcement of State hazardous waste statutes, regulations and policy, as recognized by EPA approval and formal authorization of the State's hazardous waste program. Except where EPA has primary authority and responsibility for the enforcement of new or nondelegated Federal requirements, EPA will act in an overview capacity exercising its authority where Montana has requested EPA involvement or when MDHES's enforcement response is determined by EPA to be inadequate or untimely.

MDHES and EPA further agree that whenever individual circumstances are not covered by this Agreement for the purposes of ascertaining an adequate enforcement response, EPA will notify the State of its position in writing and give Montana a reasonable opportunity to act prior to EPA initiating a Federal enforcement action.

Nothing in this agreement shall, or shall be construed to, constitute a valid defense by regulated parties in violation of any Montana or Federal environmental statute, regulation, or permit.

II. ENFORCEMENT PERFORMANCE AND OVERSIGHT

The enforcement oversight goal is to ensure a high quality State compliance and enforcement program. The enforcement performance of Montana will be evaluated on the basis of the criteria in the following documents:

A. MDHES Authorization Application and Agreements.

B. Compliance/enforcement criteria as contained in the "Interim National Criteria for a Quality Hazardous Waste Management Program under RCRA" (May 25, 1984). (Exception: Timelines as contained on pages 23 and 24 are replaced by timelines under the section of this agreement entitled, "Timely and Appropriate Enforcement Action".)

C. MDHES commitments in the SEA/grant work plan as written to reflect the current RCRA Implementation Plan.

The compliance oversight effort by EPA will use the most current Montana Oversight Plan.

III. TIMELY AND APPROPRIATE ENFORCEMENT ACTION

A. It is important that both MDHES and EPA have the same concept of timeliness. To meet that objective, MDHES and EPA agree to the following "timeline" for addressing high priority Class I violations as defined in Attachment I. This agreement supersedes and clarifies other schedules that may address "timeliness".

1. Within 90 days of the date of violation discovery,* MDHES agrees to take one of the following actions:

   a. Referral to the MDHES Legal Unit (or to the Attorney General) for formal enforcement action with penalties which are appropriate to the violation, or
   b. Referral to EPA for issuance of an administrative complaint with appropriate penalties or filing of a judicial action in Federal District Court.

2. EPA may submit a letter to the MDHES Director if a high priority Class I violation is identified by EPA. This letter will advise the Director of EPA's intention to take direct enforcement action if the MDHES fails to follow the timeframes as established or files an action in which the penalties sought are not appropriate to the violation. When MDHES has made reasonable progress in returning a facility to compliance or is processing an enforcement action, EPA response may be deferred.

3. MDHES agrees to perform follow-up inspections, record reviews, or take whatever action is necessary to certify that the facility has been returned to compliance or is progressing toward compliance under the terms of an enforceable compliance schedule.

4. EPA may also consider assessing a penalty if it feels that the penalty assessed by the State was egregiously small, as judged according to the State's penalty policy or procedures established by the State for determining penalty amounts. Before initiating any penalty-only action, EPA must weigh the benefit of that action with the need to take action against handlers that are out of compliance with applicable requirements.

B. MDHES and EPA agree to the following "timeline" for Class I violations (defined in Attachment I):

1. Within 30 days of the date of violation discovery,* an initial enforcement action such as a Notice of Violation (NOV), or Warning Letter (WL) shall be taken. An Administrative Order (AO) or judicial complaint may be issued within 90 days of violation discovery.

2. Within 90 days of the date of the initial enforcement action the MDHES shall take whatever action is necessary to certify that the facility has returned to compliance or is progressing toward compliance on an enforceable schedule.

3. If the source is not in compliance at the time of compliance evaluation, then MDHES agrees to:

a. Refer the case to the MDHES Legal unit or the Attorney General within 90 days of compliance evaluation,
or
Refer the case to the EPA within 90 days of compliance evaluation.

b. Issue a Compliance Order within 60 days (if not issued previously) of compliance evaluation,
or
Enter into a compliance agreement with an enforceable schedule for compliance within 60 days of compliance evaluation.

4. EPA may also consider assessing a penalty if it feels that the penalty assessed by the State was egregiously small, as judged according to the State's penalty policy or procedures established by the State for determining penalty amounts. Before initiating any penalty-only action, EPA must weigh the benefit of that action with the need to take action against handlers that are out of compliance with applicable requirements.

* A violation is discovered as of the date when the case development staff determines through review of the inspection report correspondence and/or data that a violation has occurred. The average time for the date of discovery from the date of inspection or record review is 30 days. Where there are more complicated situations, for example, where chemical analysis of samples is required, the time timeframe may be greater.

C. MDHES and EPA agree to the following "timeline" for Class II violations as defined in Attachment I.

Event	Day
Violation Detected and Documented	0
Warning Letter	60
Compliance Achieved and Documented	90
[or]	
NOV/AO Issued	120
Date of Required Compliance	As Specified in AO

D. EPA may submit a letter to the MDHES Director if a Class I violation is identified by EPA. This letter will advise the Director of EPA's intention to take direct enforcement action if the MDHES fails to follow the timeframes as established or files an action in which the penalties sought are not appropriate to the violation. When MDHES has made reasonable progress in returning a facility to compliance or is processing an enforcement action, EPA response may be deferred.

IV. CRITERIA FOR DIRECT EPA ENFORCEMENT

Montana and EPA agree that EPA may initiate Federal enforcement action under the following circumstances:

A. When requested in writing by the State.

B. If EPA determines that the State enforcement action does not constitute a "timely and appropriate enforcement response" as defined in Section III above, and notifies MDHES in writing as outlined in this Agreement.

C. When the State has initiated a timely and appropriate enforcement response by referring a case to the MDHES Legal unit or to the State Attorney General's Office but the case is not filed within 120 days of such referral unless otherwise specified in this Agreement.

D. When the facts in any individual case warrant an action under Section 7003 of RCRA and the MDHES after being given notice by EPA, has not initiated action for injunctive relief.

E. When one or more of the following situations exists:

1. Violation of EPA order or consent decree;

2. Cases specifically designated as nationally significant (e.g., significant noncompliers, explicit national or regional priorities);

3. Legal precedents;

4. Interstate issues;

5. Significant environmental or public health damage or risk involved;

6. Significant economic benefit gained by violator;

7. Repeat violators;

8. Areas where Montana authority may be inadequate.

V. REPORTING - See Section VI A 2 and VII B.

VI. FEDERAL FACILITIES

EPA may respond to violations at Federal Facilities in accordance with agency policy entitled: "Federal Facilities Compliance Program: Resolution of Compliance Problems at Federal Facilities." Nothing in this agreement shall preclude MDHES from responding to violations by Federal facilities in a manner consistent with its authorized program. Every effort will be made by MDHES and EPA to coordinate their response to violations by Federal facilities so as to avoid to the extent possible contrary or inconsistent actions.

VII. PUBLIC NOTIFICATION

EPA and MDHES agree to issue press releases, where appropriate, on major enforcement actions taken by either agency. EPA generated press releases will acknowledge relevant State actions and accomplishments.

VIII. EXPIRATION, TERMINATION AND REVISIONS

This Enforcement Agreement shall continue in effect unless terminated or revised by written agreement, signed by the Montana Director and the Regional Administrator for EPA. This agreement will be reviewed on an annual basis and may be updated, as appropriate.

ATTACHMENT I

EPA has defined three categories of violations in the hazardous waste program. They are high-priority violators, Class I violators and Class II violators. A Class I violation is a violation that results in a release or serious threat of release of hazardous waste to the environment, or involves the failure to assure that ground water will be protected, that proper closure and post-closure activities will be undertaken or that hazardous wastes will be destined for and delivered to permitted or interim status facilities.

1. Definitions of Violator Types

   a. High-Priority Violators - a handler who:

      has one or more Class I violations of the groundwater, closure/post closure and financial requirements, or
      - poses a substantial likelihood of exposure to hazardous waste or has caused actual exposure, or
      - has realized a substantial economic benefit as a result of noncompliance, or
      - is a chronic or recalcitrant violator (including a handler who is violating schedules in an Order or Decree).

   b. Class I Violators - a handler with one or more Class I violations who is not a "high-priority violator".

   c. Class II Violators - any other violator.

2. Appropriate Responses

   This Agreement deals only with what constitutes timely and appropriate enforcement action in response to the high-priority and Class I violators. The initial response period begins at the time that a violation is discovered. A violation is discovered as of the date when the case development staff determines through review of the inspection report and/or data (e.g., lab reports), that a violation has occurred.

Appendix E

COOPERATIVE ENFORCEMENT AGREEMENT

Between

U.S. ENVIRONMENTAL PROTECTION AGENCY

and

STATE OF MONTANA
DEPARTMENT OF AGRICULTURE

Pesticides Program

RELATING TO the cooperative enforcement of the laws enacted by the United States of America and the State of Montana to protect man and the environment from unreasonable hazards associated with pesticide production, sale and use.

I. Preamble.

The Regional Administrator, U. S. Environmental Protection Agency Region VIII and the Director of the Department of Agriculture of the State of Montana hereby enter into this Cooperative Enforcement Agreement. This Agreement sets forth each agency's responsibility for the cooperative enforcement of the laws enacted by the United States of America and the State of Montana to protect human health and the environment from the improper use and illegal sale of pesticides. Both agencies agree that cooperative pesticide enforcement is necessary and desirable to assure the efficient allocation of public funds, to minimize duplication of enforcement efforts and to more appropriately respond to pesticide emergencies, accidents, and unusual enforcement needs. This Agreement recognizes the primary enforcement responsibility of the Montana Department of Agriculture as defined in Section 26 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

II. Program Elements.

The Montana Department of Agriculture agrees to conduct the following program elements:

A. Inspection Procedures, Sampling Procedures, and Sample Integrity.

All investigations, and all sampling will be conducted in accordance with the Montana Pesticide Act (Title 80, Chapter 8, MCA), and the Department's field and laboratory procedures manuals, utilizing inspection forms equivalent to those contained in the EPA Pesticides Inspection Manual. Sample integrity will be maintained during collection, transport, storage, and analysis according to the quality assurance plans adopted by the Department and approved by EPA.

B. Cooperative Enforcement Action.

EPA's enforcement role is shifting from a primary focus on performing inspections and taking enforcement actions to an emphasis on conducting

reviews and evaluations and providing states with guidance and technical assistance in order to assure adequate performance of state compliance and enforcement programs.

The Congress of the United States has charged EPA to delegate responsibility for administering most environmental programs to the states as they demonstrate the desire and capability to assume primacy. The Congress, however, continues to hold EPA accountable for ensuring that its laws are carried out according to its intent.

The relationship between EPA and delegated states is intended to be a partnership. Both EPA and the states have continuing roles and responsibilities under delegated programs that are most effectively planned and executed together. States are better suited to address specific problems as they arise on a day-to-day basis, and EPA should strive to strengthen and assist state programs.

EPA also has a role as a partner to the state to serve as a back-up in enforcement areas by providing direct enforcement actions when needed. Region VIII will endeavor to assist state compliance and enforcement programs when requested. EPA may also take independent enforcement action in those cases where a state demonstrates it is not willing to establish a strong enforcement presence or is unable to do so due to a lack of necessary resources or requisite legal authority under the providions of Section 26 and 27 of FIFRA.

It is agreed that when evidence collected reveals a possible violation of only the Montana Pesticides Act, only the Montana Department of Agriculture will pursue remedies for such violations as provided for in the Montana Pesticides Act. Where such evidence reveals a possible violation of both Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Montana Pesticides Act, the Montana Department of Agriculture shall have primary enforcement responsibility for pesticide use violation enforcement. EPA will refer all pesticide use complaints to the Department for investigation. Pursuant to the Agency's final interpretive rule regarding Section 26 of FIFRA, cases deemed by EPA to be "significant cases" will be so designated and the disposition of such cases will be monitored by EPA. If within 30 days after receipt of a complaint referral from EPA, the State has not initiated an investigation, EPA may conduct its own investigation of the complaint. If, within thirty days after completion of the investigation of a complaint referral, the State has not commenced appropriate enforcement action, EPA may act upon the violation to the extent authorized by FIFRA as amended. At the option of the State, complaints or violations may be referred to EPA Region VIII Montana Office for action. In any pesticide investigation on Federal or Indian Lands where the State is not sure of its jurisdiction, the case will be referred to EPA, Region VIII Montana Office for action.

In those cases where there is a lack of agreement over who should take action, which cannot be resolved at the program level, the issue will be referred to the EPA Regional Administrator and the Director of the Department of Agriculture. In rare cases if clearly unacceptable performance by a state which show lack of good faith or capacity on the part of a state to correct problems, EPA is prepared to take back a delegated program. Taking back

delegated responsibilities, however, must occur in a consistent and predictable manner, under pre-defined conditions and circumstances and in accordance with Section 27 of FIFRA.

Under Section 26 of FIFRA, EPA does not have authority to delegate primary enforcement responsibility for any area of enforcement except pesticide use. The Department has been delegated primacy for pesticide use enforcement. Pesticide use enforcement consists of ensuring compliance with the applicator certification requirements and with all labeling requirements. It is made up of two types of inspections: use inspections and misuse inspections. Misuse inspections are initiated in response to complaints, damage reports, or referrals when there is reason to believe that a violation has occurred whether or not it is actually proven. A use inspection may be initiated as an observation of an actual pesticide application or as an inspection following an application when there is no reason to believe that a violation is occurring.

Pesticide use enforcement for reporting and grant purposes, includes monitoring the use of pesticides under Section 5, 18, and 24c of FIFRA. The monitoring of experimental use permits (Section 5) and emergency exemptions (Section 18(will involve inspecting users and distributors to ensure that the terms of the permit as well as the labeling are adhered to. EPA, however, has the final responsibility for ensuring that the terms of an emergency exemption are complied with and cannot, by the nature of the exemption process, delegate that responsibility.

Section 23 of FIFRA authorizes EPA to cooperate with states in the enforcement of FIFRA in areas other than use. The Department agrees to accept the responsibility of conducting non-use related inspections as described below and to take corrective enforcement action.

1. Certified Commercial Applicator License and Records Inspections.

   These types of inspections are conducted at the certified commercial applicator's place of business or in accordance with Rule 4.10.207 of the Administrative Rules of Montana (ARM). The purposes of these inspections are to determine if the applicator is properly certified and licensed, is maintaining the required records, is making application only in the uses for which he is certified, and to determine if his records show that his applications have been in compliance with all applicable laws and regulations.

2. Restricted-Use Pesticide Dealer Records Inspections.

   These types of inspections are conducted on-site at dealers who sell restricted-use pesticides or in accordance with Rule 4.10.504 ARM. The purposes of these inspections are to determine if the dealers are properly licensed and are maintaining the required records, and to review the dealers' records to determine if restricted-use pesticides are being sold only to certified applicators or other properly authorized persons.

3. Marketplace Inspections.

Marketplace inspections are inspections conducted at the retail or wholesale level for the purpose of determining product registration status, proper storage and display, any labeling violations, and any product decomposition. Marketplace inspections should be given a low level of priority unless product violations rates and compliance ratios show that such inspections will prevent significant harm.

The Department will also monitor the disposition of chemicals which have been cancelled or suspended. Pesticide disposal practices which are suspected violations of the Montana Hazardous Waste Act (Title 75, Chapter 10, part 4, MCA) will be addressed in accordance with the memorandum of understanding on Enforcement, Regulation and Management of Waste Pesticides and Containers (July 1983) between The Montana Department of Agriculture and The Department of Health and Environmental Sciences.

The responsibilities of the State under this subsection B will be reviewed on a semi-annual basis by EPA. EPA will maintain an "oversite" program whereby EPA personnel may accompany individual State inspectors on various types of inspections to coordinate and improve actual investigation procedures.

The Montana Department of Agriculture will notify the Pesticide Program Manager, EPA Region VIII Montana Office, within one week of the discovery of any suspected violations of the FIFRA which do not fall within the State's delegation. The Program Manager will confirm the existence of FIFRA violations and will maintain liason with the State on the disposition of the case.

If requested by the State, EPA and the Department of Agriculture will establish a program to provide training for Montana's inspectors, chemists and legal staff in areas of pesticide sampling, analysis and enforcement consistent with EPA practices and procedures.

The results of all chemical analyses performed under this Agreement, and the quality and sufficiency of all other evidences gathered in the course of any of the inspectional or investigatory activities are reviewed by the Department of Agriculture according to the Departments field and laboratory quality assurance and procedures manuals. When this review reveals evidence of a violation of any provision of the Montana Pesticides Act or of the FIFRA, the Director shall accumulate, organize, and document all substantial and relevant evidence. Where EPA and the Montana Department of Agriculture determine that EPA shall be a party to an enforcement action based upon evidence collected, the Montana Department of Agriculture file shall be made available to the designated EPA attorney, Region VIII.

C. Reports.

The Montana Department of Agriculture shall submit, all reports to the State program manager at EPA Region VIII Montana Office, according to the

commitments and time frames specified in the annual workplan in the STATE/EPA Agreement (SEA). EPA Region VIII Montana Office shall prepare and submit to the Department of Agriculture draft and final written evaluations of the Departments midyear and end of year performance. Such review by EPA will specifically consider:

1. The number of inspections in each inspectional category;

2. The future performance of any overdue commitments;

3. The actual accomplishments made by the Department;

4. Those areas in which performance and cooperation by the Department or the EPA may be improved.

Information acquired through the Department of Agriculture enforcement and technical programs is provided to the Montana Cooperative Extension Service through a cooperative agreement in order to update and improve the States pesticide applicator and dealer training courses. The Department of Agriculture is also encouraged to study the impacts of pesticides in the environment as they relate to enforcement matters.

III. General Conditions.

It is mutually agreed that each agency shall:

A. Maintain a close working relationship and exchange information relative to the agencies' planned pesticide surveillance/enforcement activities;

B. Coordinate investigations and enforcement actions involving violations of both the FIFRA and the Montana Pesticides Act to avoid duplication of effort;

C. Perform its inspectional, analytical and case preparation activities in a manner designed to assure sample integrity, chain of custody, the use of standard methods of analysis, the sufficiency and adequacy of the evidence, and the violator's right to administrative due process;

D. Periodically meet with the other agency to evaluate the performance of each agency with regard to the procedural, planning or surveillance elements of this Agreement.

Nothing in this Cooperative Enforcement Agreement modifies other existing agreements except as specified, nor does it preclude entering into separate agreements which set forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

Nothing in the Cooperative Enforcement Agreement is binding on the State of Montana if sufficient funds are not provided by EPA to allow the State to carry out the agreed upon functions. Also, provided that the Department is

carrying out the agreed upon functions in a manner satisfactory to EPA, the latter will not perform similar functions in the State.

Nothing in this Cooperative Enforcement Agreement is intended to usurp the authority of EPA to commence enforcement actions for alleged violations of the FIFRA. Similarly, nothing in this Agreement is intended to usurp the authority of the State of Montana to commence enforcement actions for alleged violations of the Montana Pesticides Act.

This Cooperative Enforcement Agreement, when accepted by both parties, shall continue in effect unless modified by the mutual written consent of both parties or terminated by either party upon a thirty (30) day advance written notice to the other.